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SALUS POPULI SUPREMA LEX ESTO

*"The welfare of the people shall be the supreme law."*



ROBIN CARNAHAN  
SECRETARY OF STATE

MISSOURI  
REGISTER

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November 1, 2006	December 1, 2006	December 31, 2006	January 30, 2007
November 15, 2006	December 15, 2006	December 31, 2006	January 30, 2007
December 1, 2006	January 2, 2007	January 29, 2007	February 28, 2007
December 15, 2006	January 16, 2007	January 29, 2007	February 28, 2007
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July 16, 2007	August 15, 2007	August 31, 2007	September 30, 2007
August 1, 2007	September 4, 2007	September 30, 2007	October 30, 2007
August 15, 2007	September 17, 2007	September 30, 2007	October 30, 2007

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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Eden Theological Seminary/ Webster University Eden/Webster Library 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660 ext. 7812	Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656	Missouri State Archives 600 West Main, PO Box 778 Jefferson City, MO 65102-0778 (573) 526-6711	Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411 ext. 3551
Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084	James C. Kirkpatrick Library Central Missouri State University 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149	Elmer Ellis Library University of Missouri-Columbia 106 B Ellis Library Columbia, MO 65211-5149 (573) 882-0748	Garnett Library Southwest Missouri State University 304 Cleveland West Plains, MO 65775-3414 (417) 255-7945
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## HOW TO CITE RULES AND RSMo

**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—The most recent version of the statute containing the section number and the date.

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

## Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 13—Hearings

### EMERGENCY AMENDMENT

**11 CSR 45-13.055 Emergency Order Suspending License Privileges—Expedited Hearing.** The commission is adding subsection (1)(G).

**PURPOSE:** *This amendment to 11 CSR 45-13.055 establishes a procedure for immediately suspending the privileges to serve liquor under a license where the public health, safety or welfare is endangered and preservation of the public interest requires such suspension of privileges.*

**EMERGENCY STATEMENT:** *This emergency amendment provides provisions needed to implement section 313.840, RSMo. The commission shall establish rules and regulations for the service of liquor on any premises licensed for the service of liquor by the commission. An emergency amendment is needed in order to implement policies and procedures that, in the least restrictive manner, ensure that the licensee is not serving liquor to intoxicated or otherwise disruptive persons that could cause a threat to public health, safety or welfare. The current rule allows the director to issue an emergency order immediately suspending the privileges under the license that allows the licensee to—(A) Conduct gambling games on an excursion gam-*

*bling boat. The promulgation of this emergency amendment is necessary to promote the compelling governmental interest of ensuring the health and safety of gaming patrons, employees and the general public. Traditionally, gaming patrons have come from a demographic range of thirty-five (35) and above; more recently, however, many casino operations have changed their marketing strategies to attract individuals in the twenty-one (21) to thirty (30) age range. While it is impossible to say with certainty when the marketing changes occurred, the commission began seeing the results of these changed marketing strategies in early to mid-September through reports received from its own commission agents, agents of the Missouri State Highway Patrol and local law enforcement officials reporting significant increases of the number of patrons attempting to enter licensee's properties who are either under the legal age to consume intoxicating beverages or inexperienced in consuming intoxicating beverages. This has further resulted in an increase in reports of drunkenness and disorderly conduct requiring intervention by members of the Missouri State Highway Patrol. This is not the designated purpose of the Missouri State Highway Patrol on the boats and significantly reduces their ability to oversee the regulation of gaming activities. The increased incidents of overindulgence by patrons who are underaged or inexperienced in the consumption of alcohol has resulted in a significant increase of the number of peace disturbances and individuals being overly intoxicated to the point of endangering their own health. It is imperative that to ensure the public's health and safety, both the individual patron who is consuming alcohol and those patrons and the general public that may be exposed to those that have overindulged, that the director has this authority. A proposed amendment to the rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The commission believes this emergency amendment to the rule is fair to all interested persons and parties under the circumstances. This emergency amendment was filed November 30, 2006, effective December 10, 2006, expires June 7, 2007.*

(1) Upon a finding that sufficient facts exist to show that a licensee has violated a provision of section 313.004 to 313.090, RSMo, or sections 313.800 to 313.850, RSMo or any rule promulgated by the commission under 11 CSR 30, et seq. or 11 CSR 45, et seq. as may be amended from time-to-time and that such facts constitute an immediate threat to the public health, safety or welfare, the director may issue an emergency order immediately suspending the privileges under the license that allow the licensee to—

(F) Sell or manufacture bingo supplies/.; or

(G) Serve, offer for sale, sell or supply intoxicating liquor.

**AUTHORITY:** *sections 313.004, 313.052, 313.560 and 313.805, RSMo [1994] 2000 and 313.800, RSMo Supp. 2005. Emergency rule filed July 30, 1999, effective Aug. 9, 1999, expired Feb. 24, 2000. Original rule filed Dec. 17, 1999, effective July 30, 2000. Emergency amendment filed Nov. 30, 2006, effective Dec. 10, 2006, expires June 7, 2007. A proposed amendment covering this same material will be published in this issue of the *Missouri Register*.*



**T**he Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2005.

## EXECUTIVE ORDER

06-45

WHEREAS, the increasing cost of health care presents a tremendous obstacle for Missourians attempting to obtain access to affordable health care coverage; and

WHEREAS, there have been continued reports that private employers have found it increasingly difficult to provide adequate and affordable health care benefits for their employees; and

WHEREAS, the process of finding ways to expand options for affordable health care coverage to more Missourians requires a better understanding of the population that is unable to obtain this coverage on their own and must rely on state-funded health care programs; and

WHEREAS, acquiring quality data about this population is critical to ensuring that sound decisions can be reached about the ways to expand affordable health care options to Missourians; and

WHEREAS, taxpayers would be better served if the state implemented a procedure to facilitate statistical analysis of Missouri employees' health care and participation in taxpayer subsidized health care plans, specifically Medicaid.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the constitution and the laws of the State of Missouri hereby direct the Department of Social Services to prepare a Medicaid beneficiary employer report to be submitted to the governor on a quarterly basis. Such report shall be known as the Missouri Health Care Responsibility Report.

For the purposes of this executive order, a "Medicaid beneficiary" shall mean a person who receives medical assistance from the State of Missouri under chapter 208, RSMo or Titles XIX or XXI of the federal Social Security Act, as amended.

To aid in the preparation of the Missouri Health Care Responsibility Report, the Department of Social Services shall implement policies and procedures to acquire information required by the Missouri Health Care Responsibility Report. Such information sources may include, but are not limited to the following:

- a. Information required at the time of Medicaid application or during the yearly reverification process;
- b. Information that is accumulated from a vendor the State of Missouri contracts with to identify available insurance;
- c. Information that is voluntarily submitted by Missouri employers.

The Missouri Health Care Responsibility Report shall provide the following information for each employer who has fifty or more employees that are a Medicaid beneficiary, the spouse of a Medicaid beneficiary, or a custodial parent of a Medicaid beneficiary:

- a. The name of the qualified employer;
- b. The number of employees who are either Medicaid beneficiaries or are a financially responsible spouse or custodial parent of a Medicaid beneficiary under Title XIX of the federal Social Security Act, listed as a percentage of the qualified employer's Missouri workforce;
- c. The number of employees who are either Medicaid beneficiaries or are a financially responsible spouse or custodial parent of a Medicaid beneficiary under Title XXI of the federal Social Security Act (SCHIP), listed as a percentage of the qualified employer's Missouri workforce;
- d. For each employer, the number of employees who are Medicaid beneficiaries, the number of employees who are a financially responsible spouse or custodial parent of a Medicaid beneficiary and the number of Medicaid beneficiaries who are a spouse or a minor child (under age 19) of an employee under Title XIX of the federal Social Security Act;
- e. For each employer, the number of employees who are Medicaid beneficiaries, the number of employees who are a financially responsible spouse or custodial parent of a Medicaid beneficiary and the number of Medicaid beneficiaries who are a spouse or a minor child (under age 19) of an employee under Title XXI of the federal Social Security Act;
- f. Whether the reported Medicaid beneficiaries are full-time or part-time employees;
- g. Information on whether the employer offers health insurance benefits to full time and part time employees, their spouses, and their dependents;
- h. Information on whether employees receive health insurance benefits through the company when Medicaid pays some or all of the premiums for such health insurance benefits;
- i. The cost to the State of Missouri of providing Medicaid benefits for the employer's employees and enrolled dependents listed as total cost and per capita cost;
- j. The report shall make industry wide comparisons by sorting employers into industry categories based on available information from the Department of Economic Development.

If it is determined that a Medicaid beneficiary has more than one employer, the Department of Social Services shall count the beneficiary as a portion of one person for each employer for purposes of this report.

The Missouri Health Care Responsibility Report shall be issued 120 days after the end of each calendar quarter, starting with the first calendar quarter of 2008. The report shall be made available for public viewing on the Department of Social Services web site. Any member of the public shall have the right to request and receive a printed copy of the report published under this executive order through the Department of Social Services.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 27<sup>th</sup> day of November, 2006.

A handwritten signature in black ink, reading "Matt Blunt", written over a horizontal line.

**Matt Blunt**  
Governor

**ATTEST:**

A handwritten signature in black ink, reading "Robin Carnahan", written over a horizontal line.

**Robin Carnahan**  
Secretary of State



**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

*addition, this rule requires that both a hard copy and an electronic copy of the rulemaking be filed with the board.*

(1) Agencies filing proposed rulemaking with the Small Business Regulatory Fairness Board (board) shall submit with the rulemaking:

- (A) Rule Transmittal;
- (B) The proposed rulemaking language;
- (C) The public entity fiscal note;
- (D) The private entity fiscal note; and
- (E) A small business impact statement.

(2) Agencies filing a small business impact statement shall use the form provided by the Department of Economic Development, included herein.

(3) Small business impact statements must address each element required pursuant to section 536.300.2, RSMo, in order to be filed with Small Business Regulatory Fairness Board.

(4) The agency shall both file a hard copy with the board and transmit or deliver an electronic copy to the board.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 262—Small Business Regulatory Fairness  
Board  
Chapter 1—General Rules**

**PROPOSED RULE**

**4 CSR 262-1.010 Small Business Impact Statement Requirements**

*PURPOSE: This rule requires agencies to use the Small Business Impact Statement form provided by the Department of Economic Development when filing an impact statement with the Small Business Regulatory Fairness Board (board). Also, this rule establishes that the information required by section 536.300, RSMo, must be included in the small business impact statement in order for the board to accept and file the rulemaking and small business statement. In*

## **Small Business Regulatory Fairness Board Small Business Impact Statement**

**Date:**

**Rule Number:**

**Name of Agency Preparing Statement:**

**Name of Person Preparing Statement:**

**Phone Number:**

**Email:**

**Name of Person Approving Statement:**

**Please describe the methods your agency considered or used to reduce the impact on small businesses** *(examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique).*

**Please explain how your agency has involved small businesses in the development of the proposed rule.**

**Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount**

**your agency expects to collect from additionally imposed fees and how the moneys will be used.**

**Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.**

**Please list direct and indirect costs (in dollars amounts) associated with compliance.**

**Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.**

**Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?**

Yes\_\_\_\_ No\_\_\_\_

**If yes, please explain the reason for imposing a more stringent standard.**

*For further guidance in the completion of this statement, please see §536.300, RSMo.*

*AUTHORITY: sections 536.300 and 536.305.7, RSMo Supp. 2005.  
Original rule filed Nov. 22, 2006.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Small Business Regulatory Fairness Board, Attn: Krista Zurkamer, PO Box 118, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 262—Small Business Regulatory Fairness  
Board  
Chapter 1—General Rules**

**PROPOSED RULE**

**4 CSR 262-1.020 Post Public Hearing Small Business Statement**

*PURPOSE: This rule requires agencies to use the Post Public Hearing Small Business Statement form provided by the Department of Economic Development when filing the post public hearing statement with the Small Business Regulatory Fairness Board (board). The statement must contain the information required by section 536.303.1, RSMo, in order for the board to accept and file the post public hearing statement. In addition, this rule requires the agency to file both a hard copy and an electronic copy of the statement with the board.*

(1) Agencies filing a post public hearing small business statement as required by section 536.303, RSMo, shall use the form provided by the Department of Economic Development, included herein.

(2) Post public hearing small business statements must address each element required pursuant to section 536.303.1, RSMo, in order to be filed with the Small Business Regulatory Fairness Board (board).

(3) The agency shall both file a hard copy with the board and transmit or deliver an electronic copy to the board.



## **Small Business Regulatory Fairness Board State Agency Public Hearing Statement**

**Date:**

**Rule Number:**

**Name of Agency Preparing Statement:**

**Name of Person Preparing Statement:**

**Phone Number:**

**Email:**

- 1. Please describe how the opinions or comments from affected small businesses were solicited.**
- 2. Provide a summary of the public and small business comments.**
- 3. Provide a summary of your agency's response to these concerns.**
- 4. How many people**
  - a. Attended the public hearing**
  - b. Testified at the hearing**
  - c. Submitted written statements**
- 5. If a request was made at the hearing to change the proposed rule, in a way that affected small businesses, and such changes were not adopted, please provide a statement of the reasons for adopting the proposed rule without the requested change(s).**

*AUTHORITY: sections 536.303 and 536.305.7, RSMo Supp. 2005. Original rule filed Nov. 22, 2006.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Small Business Regulatory Fairness Board, Attn: Krista Zurkamer, PO Box 118, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title [4] 7—DEPARTMENT OF [ECONOMIC  
DEVELOPMENT] TRANSPORTATION  
Division 265—[Division of] Motor Carrier and  
Railroad Safety  
Chapter 9—Rail Fixed Guideway [Transit] Systems**

**PROPOSED AMENDMENT**

**[4] 7 CSR 265-9.010 Applicability of Chapter; Definitions.** The Missouri Highways and Transportation Commission is moving the rule to the Department of Transportation and amending the division, chapter, Purpose and sections (1) and (2) of this rule.

*PURPOSE: This proposed amendment updates definitions for words and terms used in administrative rules for this chapter.*

*PURPOSE: This rule provides that this chapter is to govern rail fixed guideway [transit] systems instead of [4]7 CSR 265-8 and prescribes definitions for certain words and terms used in the rules within this chapter.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) Notwithstanding any provision within [4] 7 CSR 265-8 to the contrary, **rail fixed guideway [transit] systems** as defined in this rule shall be governed by the rules in this chapter, and not by the rules in [4] 7 CSR 265-8.

(2) As used in this chapter unless the context clearly requires otherwise, the following definitions and the definitions in Title 49 Code of Federal Regulations (CFR) Sections 659.5 and 659.15, which are incorporated by reference and made a part of this rule as published by the United States Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 on October 1, 2006, and this rule does not incorporate any subsequent amendments or additions to the CFRs, apply:

[(A) Accident. Any event involving the revenue service operation of a rail fixed guideway system if as a result:

1. An individual dies;

2. An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or

3. A collision, derailment, or fire causes property damage in excess of one hundred thousand dollars (\$100,000);

(B) APTA Guidelines. The American Public Transit Association's Manual for the Development of Rail Transit System Safety Program Plans, published on August 20, 1991, which is incorporated by reference in this rule;]

[(C)](A) Contractor. An entity that performs tasks required by [federal or state law, by division rule or order, or by FTA regulations under] 49 CFR part 659, on behalf of the [transit] rail fixed guideway system or the division. A [transit] rail fixed guideway system shall not be a contractor for the division;

[(D)](B) Division. The Multimodal Operations Division [of Motor Carrier and Railroad Safety] within the Department of [Economic Development of the State of Missouri, also known as MCRS] Transportation, which is authorized by the state Highways and Transportation Commission, as the State Safety and Security Oversight (SSO) agency for the state of Missouri. Whenever the term "[D]ivision [of Transportation]" or "MCRS]" is used within the rules in this chapter, the term shall be interpreted as meaning the Multimodal Operations Division [of Motor Carrier and Railroad Safety];

[(E)](C) Employee. Any individual employed by a [transit] rail fixed guideway system for any period in any work for which s/he is compensated, whether full- or part-time, whose regular course of employment relates to the operation, inspection, maintenance, or construction of the physical [transit] rail fixed guideway system property or the operation of trains;

[(F)](D) Rail [F]ixed guideway [transit] system (RFGS). [A railroad, street railroad, or light rail for public use in the transportation of passengers within an urban area, other than those subject to the jurisdiction of] Any light rail, as defined in section 386.020, RSMo; any street railroad, as defined in section 622.100, RSMo; or any heavy or rapid rail system, monorail, inclined plain, funicular, trolley, or automated guideway that 1) is not regulated by the Federal Railroad Administration; 2) is included in Federal Transit Administration's (FTA's) calculation of fixed guideway route miles or receives funding under FTA's formula program for urbanized areas (49 United States Code (U.S.C.) 5336); or 3) has submitted documentation to FTA indicating its intent to be included in FTA's calculation of fixed guideway route miles to receive funding under FTA's formula program for urbanized areas (49 U.S.C. 5336);

(E) FRA. The Federal Railroad Administration, an agency within the United States Department of Transportation.

[(G)](F) FTA. The Federal Transit Administration, an agency within the United States Department of Transportation;

[(H)](G) Hazardous condition]. Any real or potential condition that [may endanger human life or property. It includes unacceptable hazardous conditions] can cause injury, illness, or death; damage to or loss of a system, equipment, or property; or damage to the environment;

[(I) Hazardous material. Any commodity or product identified or regulated by the United States Department of Transportation in Title 49 CFR parts 171 through and including part 179 which may be transported under restricted conditions;]

[(J)](H) Highrail wheels. Any retractable flanged wheel assembly designed to allow a highway vehicle to operate on the track;

[(K) Injury. An injury of the magnitude requiring medical treatment or transport to a health care facility for medical treatment;

(L) Investigation. A process to determine the probable cause of an accident or an unacceptable hazardous condition, in accordance with the provisions of rule 4 CSR 265-9.150;]

**[(M)](I) Light rail.** Every rail transportation system in which one or more rail vehicles are propelled electrically by overhead catenary wire upon tracks located substantially within an urban area and are operated exclusively in the transportation of passengers and their baggage, and including all bridges, tunnels, equipment, switches, spurs, tracks, and stations used in connection with the operation of light rail;

**[(N) Medical treatment.** Treatment administered by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first-aid treatment (one (1)-time treatment), precautionary measures such as tetanus shots and subsequent observation of minor scratches, cuts, bruises or splinters, which do not require medical care, even though these services are performed by a physician or registered professional personnel;]

**(J) Passenger.** A person who is on board, boarding, or alighting from a rail transit vehicle for the purpose of travel;

**(K) Passenger operations.** The period of time when any aspect of rail transit agency operations are initiated with the intent to carry passengers;

**[(O)](L) Pedestrian grade crossing.** A location where one (1) or more transit system tracks cross a public sidewalk or pathway used by pedestrians at grade;

**[(P)](M) Rail-highway grade crossing.** A location where one (1) or more transit system tracks cross a public highway, road, street, or private roadway, and includes a pedestrian grade crossing;

**(N) Rail transit agency.** An entity that operates a rail fixed guideway system;

**(O) Rail transit system.** A rail fixed guideway system;

**(P) Rail transit vehicle.** A rail transit agency's rolling stock, including but not limited to passenger and maintenance vehicles;

**[(Q) Safety.** Freedom from danger;

**(R) Safety review.** A formal, comprehensive, on-site examination by or on behalf of the division of a transit system's safety practices to determine whether they comply with the policies and procedures required under the transit system's system safety program plan;]

**[(S)](Q) Security plan (SP).** [Freedom from intentional danger] A document developed and adopted by the rail transit agency describing its security policies, objectives, responsibilities, and procedures;

**[(T)](R) System safety program plan (SSPP).** A document developed and adopted by the rail transit [system detailing] agency describing its safety [and security] policies, objectives, responsibilities, and procedures;

**[(U)](S) System safety program standard, or "program standard."** The [standard developed and adopted by the division which, at a minimum, complies with the APTA Guidelines and which addresses personal security] policies, objectives, responsibilities, and procedures used to provide the rail transit agency safety and security oversight, which includes the SSO Manual and the rules contained within this chapter;

**(T) State Safety and Security Oversight Programs Manual for Missouri Light Rail (the SSO Manual),** which is incorporated herein by reference and made a part of this rule as published by the Missouri Highways and Transportation Commission, Multimodal Operations Division, 2217 St. Mary's Boulevard, Jefferson City, Missouri 65109, 2006 Edition. This rule does not incorporate any subsequent amendments or additions of this manual. The manual developed by the division is used to provide standards, procedures, and technical direction to rail fixed guideway systems in order to implement the Missouri state safety and security oversight program as authorized in sections 389.1005 and 389.1010, RSMo and 49 CFR part 659; and

**[(V)](U) Train.** Includes any light rail vehicle, on-track work equipment, railroad, or street railroad car or locomotive engine;]

**[(W) Transit system.** A fixed guideway transit system; and

**(X) Unacceptable hazardous condition.** A hazardous condition determined to be an unacceptable hazardous condition using the APTA Guidelines' Hazard Resolution Matrix (APTA Guidelines, checklist number 7), which is reproduced in the following table:

APTA Manual Hazard Resolution Matrix				
	Catastrophic	Critical	Marginal	Negligible
Frequent				
Unacceptable	Unacceptable	Unacceptable	Unacceptable	Acceptable/WR <sup>1</sup>
Probable				
Unacceptable	Unacceptable	Unacceptable	Undesirable	Acceptable/WR <sup>1</sup>
Occasional				
Unacceptable	Undesirable	Undesirable	Undesirable	Acceptable
Remote				
Undesirable	Undesirable	Undesirable	Acceptable/WR <sup>1</sup>	Acceptable
Improbable				
Acceptable/WR <sup>1</sup>	Acceptable/WR <sup>1</sup>	Acceptable/WR <sup>1</sup>	Acceptable/WR <sup>1</sup>	Acceptable

<sup>1</sup>Acceptable/WR—Acceptable with review by management staff.]

**AUTHORITY:** sections 389.1005 and 622.027[, RSMo Supp. 1997], RSMo 2000. This rule originally filed as 4 CSR 265-9.010. Emergency rule filed Feb. 5, 1993, effective Feb. 15, 1993, expired June 14, 1993. Original rule filed Nov. 4, 1992, effective June 7, 1993. For intervening history, please consult the Code of State Regulations. Moved and amended: Filed Nov. 20, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title [4] 7—DEPARTMENT OF [ECONOMIC DEVELOPMENT] TRANSPORTATION  
Division 265—[Division of] Motor Carrier and  
Railroad Safety  
Chapter 9—Rail Fixed Guideway [Transit] Systems**

**PROPOSED AMENDMENT**

**[4] 7 CSR 265-9.020 System Safety Program [Standard] Plan and Security Plan.** The Missouri Highways and Transportation Commission is moving the rule to the Department of Transportation and amending the division, chapter, title, Purpose, and sections (1) through (5) of this rule.

**PURPOSE:** This proposed amendment updates the preparation, review, and approval of a rail fixed guideway system's system safety program plan and security plan.

**PURPOSE:** This rule adopts a system safety program standard, and requires every rail fixed guideway [transit] system to establish, implement and maintain a system safety program plan and security plan, which meets the FTA requirements under 49 CFR part 659, and the requirements of this rule.



**PUBLISHER'S NOTE:** *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) The division incorporates by reference in this rule the [American Public Transit Association (APTA) Guidelines] *State Safety and Security Oversight Programs Manual for Missouri Light Rail* (the SSO Manual), which is incorporated herein by reference and made a part of this rule as published by the Missouri Highways and Transportation Commission, Multimodal Operations Division, 2217 St. Mary's Boulevard, Jefferson City, Missouri 65109, 2006 Edition, as the system safety program standard for rail fixed guideway [transit] systems (RFGSs) operating within the state, as supplemented by the rules in this chapter. **This rule does not incorporate any subsequent amendments or additions of this manual.**

(2) [Every transit system] **The division shall require every RFGS operating in this state [shall] to develop, adopt, and implement a system safety program plan (SSPP) which conforms to 49 Code of Federal Regulations (CFR) section 659.15, the [APTA Guidelines] SSO Manual, and the rules in this chapter. The division shall review and may approve the SSPP and security plan (SP) in accordance with the SSO Manual.**

[(A)](3) [The SSPP] **The division shall require every RFGS operating in this state to develop, adopt, and implement a SP which conforms to 49 CFR sections 659.21 and 659.23, which shall address the personal security of [transit system] RFGS passengers, employees, and other persons lawfully present on [transit system] RFGS property. [The division incorporates by reference in this rule Federal Transit Administration, U.S. Dept. of Transportation, Transit System Security Program Planning Guide (Final Report FTA-MA-90-7001-94-1) (January 1994, reprinted November 1997), as a guideline for preparation of the security portion of each transit system's SSPP.] The SP must be developed and maintained as a separate document and may not be a part of the SSPP.**

[(B)](4) The [portion of the SSPP that relates to transit system security,] **SP and any related documents or information filed with this division by a [transit system] RFGS under the provisions of this chapter[,]** may be closed to public inspection by the [transit system] RFGS, or by the division [or its administrative law judge,] as deemed necessary to prevent or mitigate breaches of security. The closure to public access, in whole or in part, of these security provisions, and related documents or information, shall not preclude the division or its authorized personnel from inspecting and copying these provisions, documents and information, as otherwise provided by law or by the rules of the highways and transportation commission or orders of the division.

[(2)](5) Every [transit system] RFGS that begins [revenue service] **passenger operations after January 1, [1998] 2007, shall file two (2) copies of its SSPP and SP with the division not less than one hundred eighty (180) days before starting [revenue service, for approval by the division director] passenger operations. The division shall review the SSPP and SP for compliance with the SSO Manual. Such review shall include a checklist to conduct the review. If the division determines the SSPP and SP comply with the SSO Manual, the division shall issue a formal letter of approval.**

[(3) The division shall review a transit system's SSPP before the transit system begins revenue service, and may review a transit system's SSPP whenever deemed appropriate by the division. The division director shall notify the transit system of the approval of the SSPP, and any revisions of the SSPP. The division may require the transit system to modify or supplement its SSPP, and any revisions made to the SSPP, in accordance with this section. The division director shall notify the transit system, in writing, which shall identify the specific portions of the SSPP that shall be modified or supplemented. The notice shall specify a reasonable due date for filing the modification or supplementation with the division. The transit system may object to the requirements stated in the division director's notice, by filing a pleading with the division before the specified due date, which shall be determined by an administrative law judge after notice and an opportunity for hearing.]

[(4) Any revisions made to the SSPP shall be filed by the transit system, for review and approval by the division director, on or before the effective date of the revision. No revision shall be in conflict with, or adversely impact upon, any other part of the SSPP. No revision shall be made which creates a safety hazard.]

[(5)](6) Every [transit system] RFGS, and its officers, employees, contractors, and agents shall comply with [the] all applicable provisions contained within [the] its SSPP and SP filed with, and approved by, the division, and with all applicable provisions of the SSO Manual.

**AUTHORITY:** sections 622.027[, RSMo Supp. 1997] and 389.1005, RSMo 2000. This rule originally filed as 4 CSR 265-9.020. Original rule filed Nov. 4, 1992, effective June 7, 1993. Emergency amendment filed Dec. 20, 1996, effective Dec. 30, 1996, expired June 27, 1997. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved and amended: Filed Nov. 20, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title [4] 7—DEPARTMENT OF [ECONOMIC DEVELOPMENT] TRANSPORTATION  
Division 265—[Division of] Motor Carrier and  
Railroad Safety  
Chapter 9—Rail Fixed Guideway [Transit] Systems**

**PROPOSED AMENDMENT**

[4] 7 CSR 265-9.040 [Transit] Safety Reviews Shall be in Accordance With Federal Transit Administration (FTA) Standards. The Missouri Highways and Transportation Commission is moving the rule to the Department of Transportation and amending the division, chapter, title, Purpose, and sections (1) through (4) of this rule.

**PURPOSE:** This amendment updates the rail fixed guideway system safety review report, Federal Transportation Administration annual report, and the division's three (3)-year safety review requirement.

**PURPOSE:** This rule provides for the division's oversight of each [transit] rail fixed guideway system's internal safety [audit] review process, and for the division's responsibility to perform a comprehensive, independent safety review of [transit] rail fixed guideway systems every three (3) years, in accordance with the FTA requirements under 49 CFR sections 659.[35]27 and 659.[37]29.

**PUBLISHER'S NOTE:** The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Not less than annually, every rail fixed guideway system (RFGS) shall conduct internal safety reviews as prescribed in the *State Safety and Security Oversight Programs Manual for Missouri Light Rail* (the SSO Manual), which is incorporated herein by reference and made a part of this rule as published by the Missouri Highways and Transportation Commission, Multimodal Operations Division, 2217 St. Mary's Boulevard, Jefferson City, Missouri 65109, 2006 Edition. This rule does not incorporate any subsequent amendments or additions of this manual.

(2) Not less than every three (3) years, the division shall conduct a safety review of every RFGS as prescribed in the SSO Manual, shall document and track findings from its review for subsequent safety reviews, and shall document whether a three (3)-year safety review has been completed since the last annual report was submitted. The division also shall document whether the program standard and supporting procedures have changed during the preceding years.

[(1)](3) [All fixed guideway transit systems operating] Each RFGS within Missouri shall conduct a comprehensive [internal] safety [audit] review, at [their] its own expense, prior to commencement of operations. Each [transit system] RFGS shall file a written report on this safety [audit] review with the division for approval before starting [revenue service] passenger operations. The division director shall notify the [transit system] RFGS of the approval of this safety [audit] review report. The division staff may object to the safety [audit] review report, or any part of the safety [audit, by] review, by notifying the RFGS of its objections and a notice of changes required to be incorporated in the report. If the RFGS does not incorporate the division's changes in the report, the division may enforce its changes in the form of the state highways and transportation commission filing a pleading with the [division, which shall be determined by an administrative law judge after notice to the transit system and an opportunity for hearing] Administrative Hearing Commission.

(4) The division shall certify in its annual report to the Federal Transit Administration (FTA) that any changes or modifications to the RFGS's SP or SSPP have been reviewed and approved by the division.

[(2) After starting revenue service, every transit system shall conduct an ongoing, internal safety audit process that conforms to its system safety program plan (SSPP) and the American Public Transit Association (APTA) Guidelines applicable to safety audits. Not later than the first day of February in each year, the transit system shall file with the

division a written, annual safety audit report on its safety audit process for the preceding year. The division shall review all audit reports filed by the transit system. The division director shall notify the transit system of the approval of the annual safety audit report. The division staff may object to the annual safety audit report, or any part of the transit system's safety audit process, by filing a pleading with the division, which shall be determined by an administrative law judge after notice to the transit system and an opportunity for hearing.]

[(3)](5) Not later than the fifteenth day of March in each year, the division shall submit to [Federal Transit Association (FTA)] a publicly available annual report summarizing its oversight activities concerning fixed guideway transit systems for the preceding calendar year. The annual report shall include a description of the most common probable causal factors of transit system accidents and unacceptable hazardous conditions. If the division has conducted a triennial safety review during the preceding calendar year under section [(4)](2) of this rule, then the annual report shall include the division's report on the triennial review. The division shall annually file with FTA a certification of compliance, signed by the division director or other official authorized by the division, which certifies that the division has implemented a state oversight program that meets the requirements of 49 CFR part 659, and further certifies that the division, its employees, and any entities performing tasks required of the division under 49 CFR part 659, have no conflict of interest with any fixed guideway transit system overseen as a result of 49 CFR part 659. All reports to the FTA must be submitted electronically using a reporting system specified by the FTA.

[(4) At least every three (3) years, the division shall conduct an on-site safety review of every transit system in the state. The division shall review the transit system's implementation of its SSPP, and the division shall prepare and issue a report containing findings and recommendations resulting from that review. At a minimum, the report shall include an analysis of the effectiveness of the SSPP and a determination of whether it should be updated. The transit system may object to the division's findings or recommendations resulting from the triennial on-site safety review, by filing a pleading with the division not more than sixty (60) days after the report is served upon the transit system, which shall be determined by an administrative law judge after notice and an opportunity for hearing.]

**AUTHORITY:** sections 622.027[, RSMo Supp. 1997] and 389.1005, RSMo 2000. This rule originally filed as 4 CSR 265-9.040. Original rule filed Nov. 4, 1992, effective June 7, 1993. Emergency amendment filed Dec. 20, 1996, effective Dec. 30, 1996, expired June 27, 1997. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved and amended: Filed Nov. 20, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.



**Title [4] 7—DEPARTMENT OF [ECONOMIC  
DEVELOPMENT] TRANSPORTATION  
Division 265—[Division of] Motor Carrier and  
Railroad Safety  
Chapter 9—Rail Fixed Guideway [Transit] Systems**

**PROPOSED AMENDMENT**

**[4] 7 CSR 265-9.050 Signs.** The Missouri Highways and Transportation Commission is moving the rule to the Department of Transportation and amending the division, chapter, Purpose and sections (1) and (3) of this rule.

*PURPOSE: This amendment deletes the requirement that reflectorized materials for rail fixed guideway systems comply with the Federal General Services Pamphlet.*

*PURPOSE: This rule prescribes the requirements for the installation and maintenance of certain required signs used on rail fixed guideway [transit] systems.*

(1) All safety, directional, warning, and train control signs used on rail fixed guideway [transit] systems shall be made of aluminum or other noncorrosive material and covered with a reflectorized or other material to show the same shape and color by day or night. [The reflectorized material used shall be applied in accordance with the instructions contained in the Federal General Services Pamphlet LS 300-C, March 20, 1979 which is incorporated by reference in this rule; and shall have the minimum reflective intensity value specified in Table II of the Federal General Services Pamphlet LS 300-C, March 20, 1979.]

(3) In those cases where the division determines that [reflectorization] the provisions of section (1) above will not perform effectively, the division may require the use of appropriate illumination for the signs.

*AUTHORITY: sections 622.027[, RSMo Supp. 1997] and 389.1005, RSMo 2000. This rule originally filed as 4 CSR 265-9.050. Original rule filed Nov. 4, 1992, effective June 7, 1993. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved and amended: Filed Nov. 20, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title [4] 7—DEPARTMENT OF [ECONOMIC  
DEVELOPMENT] TRANSPORTATION  
Division 265—[Division of] Motor Carrier and  
Railroad Safety  
Chapter 9—Rail Fixed Guideway [Transit] Systems**

**PROPOSED AMENDMENT**

**[4] 7 CSR 265-9.060 Drug and Alcohol Testing.** The Missouri Highways and Transportation Commission is moving the rule to the

Department of Transportation and amending the division, chapter, Purpose and section (1) of this rule.

*PURPOSE: This amendment corrects the federal regulation citation for drug and alcohol testing requirements.*

*PURPOSE: This rule prevents accidents and injuries in the operation of rail fixed guideway [transit] systems that result from the impairment of employees by alcohol or drugs. This rule adopts the minimum safety standards for the control of alcohol and drug use which are prescribed by FTA regulations in 49 [C]CFR part 65[3]5. This rule does not restrict a [transit] rail fixed guideway system from adopting and enforcing additional or more stringent requirements not inconsistent with this rule.*

(1) Every [transit] rail fixed guideway system shall meet or exceed the Federal Transit Administration's (FTA) [s] alcohol and controlled substances testing requirements under 49 Code of Federal Regulations (CFR) part 65[3]5[, which is incorporated by reference in this rule].

*AUTHORITY: sections 622.027[, RSMo Supp. 1997] and 389.1005, RSMo 2000. This rule originally filed as 4 CSR 265-9.060. Emergency rule filed Feb. 5, 1993, effective Feb. 15, 1993, expired June 14, 1993. Original rule filed Nov. 4, 1992, effective June 7, 1993. Emergency amendment filed Dec. 20, 1996, effective Dec. 30, 1996, expired June 27, 1997. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved and amended: Filed Nov. 20, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title [4] 7—DEPARTMENT OF [ECONOMIC  
DEVELOPMENT] TRANSPORTATION  
Division 265—[Division of] Motor Carrier and  
Railroad Safety  
Chapter 9—Rail Fixed Guideway [Transit] Systems**

**PROPOSED AMENDMENT**

**[4] 7 CSR 265-9.070 Hours of Service.** The Missouri Highways and Transportation Commission is moving the rule to the Department of Transportation and amending the division, chapter, Purpose and sections (1) and (5) through (7) of this rule.

*PURPOSE: This amendment corrects references to rail fixed guideway systems.*

*PURPOSE: This rule prevents excessive mental and physical strain and fatigue which results from remaining too long at exacting tasks. This rule prescribes the maximum safe number of working hours an employee can be required or allowed to operate a train on the main line or to directly control the operations of a train on the main line: on a rail fixed guideway [transit] system. This rule does not restrict*

a transit system from adopting and enforcing additional or more stringent requirements not inconsistent with this rule.

(1) This rule shall apply to every employee who operates a train on the main line or is directly involved in controlling the operations of a train on the main line of a **rail** fixed guideway *[transit]* system (**RFGS**). No *[transit system]* **RFGS** shall require or allow any of these employees to perform work in excess of the allowable hours established in this rule.

(5) When a situation requiring the extended service of an employee covered by this rule occurs, which is both unforeseeable and beyond the control of the *[transit system]* **RFGS**, the employee may be on duty in excess of the twelve (12)-hour limit but shall not be required or allowed to continue on duty in excess of fifteen (15) hours. Under the provisions of this section, an employee shall not work in excess of the twelve (12)-hour limit more than two (2) days in a seven (7)-day period.

(6) The *[transit system]* **RFGS** shall establish and maintain at one (1) or more locations where employees covered by this rule report on or off duty, a written hours of service log which shall record the hours of service of these employees. The *[transit system]* **RFGS** shall keep this log current for each of these employees showing the time of the last change of duty status of the employee. Any supervisor making an entry on behalf of any of these employees must initial such an entry. For each of these employees, the hours of service log shall include at least the following information:

(7) The *[transit system]* **RFGS** shall retain in its custody and make available to the division for inspection the hours of service log for a period of one (1) year after the last entry is made in each daily log.

**AUTHORITY:** sections 622.027[, *RSMo Supp. 1997*] and **389.1005, *RSMo 2000***. This rule originally filed as 4 CSR 265-9.070. Emergency rule filed Feb. 5, 1993, effective Feb. 15, 1993, expired June 14, 1993. Original rule filed Nov. 4, 1992, effective June 7, 1993. For intervening history, please consult the *Code of State Regulations*. Moved and amended: Filed Nov. 20, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title [4] 7—DEPARTMENT OF [ECONOMIC  
DEVELOPMENT] TRANSPORTATION  
Division 265—[Division of] Motor Carrier and  
Railroad Safety  
Chapter 9—Rail Fixed Guideway [Transit] Systems**

**PROPOSED AMENDMENT**

[4] 7 CSR 265-9.090 **Walkways.** The Missouri Highways and Transportation Commission is moving the rule to the Department of Transportation and amending the division, chapter, Purpose and section (1) of this rule.

**PURPOSE:** This amendment requires rail fixed guideway systems to maintain walkways in accordance with administrative rule standards.

**PURPOSE:** This rule prescribes the minimum safety standards for the construction, reconstruction and maintenance of walkways adjacent to **rail** fixed guideway *[transit]* system tracks within Missouri.

(1) All **rail** fixed guideway *[transit]* systems shall construct **and** maintain walkways beside their tracks in accordance with this standard. This rule applies only to those tracks where employees are routinely expected to walk in the performance of their duties.

**AUTHORITY:** sections 622.027[, *RSMo 1986*] and **389.1005, *RSMo 2000***. This rule originally filed as 4 CSR 265-9.090. Original rule filed Nov. 4, 1992, effective June 7, 1993. Moved and amended: Filed Nov. 20, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title [4] 7—DEPARTMENT OF [ECONOMIC  
DEVELOPMENT] TRANSPORTATION  
Division 265—[Division of] Motor Carrier and  
Railroad Safety  
Chapter 9—Rail Fixed Guideway [Transit] Systems**

**PROPOSED AMENDMENT**

[4] 7 CSR 265-9.100 **Rail-Highway Grade Crossing Construction and Maintenance.** The Missouri Highways and Transportation Commission is moving the rule to the Department of Transportation and amending the division, chapter, Purpose and sections (1) and (2) of this rule.

**PURPOSE:** This amendment corrects references to rail fixed guideway systems and updates references to manuals and guidelines applicable to marking of rail-highway grade crossings.

**PURPOSE:** This rule implements the *[division's]* **Missouri Highways and Transportation Commission's** statutory authority to make reasonable rules pertaining to the construction and maintenance of public rail-highway grade crossings and **rail** fixed guideway *[transit]* systems.

**PUBLISHER'S NOTE:** The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.



(1) Every public rail-highway grade crossing on a **rail fixed guideway [transit] RFGS**, whether involving railroad, light rail, or street railroad tracks, shall be constructed of materials that will provide a ride quality compatible with that of adjacent roadway surfaces (except that crossings of asphalt material shall have installed headers of equal height to the top of rails installed on both sides of both rails). Rail-highway grade crossings constructed on **[transit systems] RFGSs** shall have, at a minimum, a crossing material comparable to or exceeding the material used in the approaching roadway. Grade crossings constructed of unconsolidated material are prohibited.

(B) If practicable, the roadway alignment should intersect the **[transit system] RFGS** track at or nearly at right angles. The roadway surface shall be in the same plane as the top of rails for a distance of two feet (2') outside of rails, for either multiple or single track crossings. The top of the rail plane shall be connected with the grade line of the roadway each way by vertical curves of the length required to provide riding conditions and sight distances normally applied to the roadway. It is desirable that the roadway surface be not more than three inches (3") higher nor six inches (6") lower than the top of the nearest rail at a point thirty feet (30') from the rail, measured at a right angle, unless track superelevation dictates otherwise. Where crossings involve two (2) or more tracks, the top of rails for all tracks shall be brought to the same plane where practicable.

(C) Width of roadway at a rail-highway grade crossing upon an **[transit system] RFGS** should correspond to that of the adjoining highway and have the same number and width of traffic lanes as the adjoining highway, without extra lanes, and with center turn lanes at the crossing delineated. At all paved approaches to the rail-highway grade crossing, the highway traffic lanes in the vicinity of the crossing should be distinctly marked in accordance with the recommendations of the *Manual on Uniform Traffic Control Devices for Streets and Highways, 2003 Edition*, which is incorporated herein by reference and made a part of this rule as published by the Federal Highway Administration, United States Department of Transportation, 400 7th Street SW Room 3408, Washington, DC 20590. This rule does not incorporate any subsequent amendments or additions of this manual. These markings are the responsibility of the public highway authorities.

(D) Part I (subsections 1.4–1.11) of the *American Railway Engineering Association's Guidelines for the Construction or Reconstruction of Highway-Railway Crossings, 2005 Edition*, which is incorporated by reference, and *[is] made a part of this rule as published by the American Railway Engineering and Maintenance of Way Association, 8201 Corporate Drive, Landover, MD 20785*. This rule does not incorporate any subsequent amendments or additions of these guidelines. These guidelines are made applicable to **[fixed guideway transit systems] RFGSs** as recommended practices for the construction and reconstruction of rail-highway crossings, if practicable, but with the following changes:

1. Paragraph 1.9.8, line 1, of the guidelines~~, as incorporated by reference in this rule,~~ is amended by striking out the numeral "115," and inserting the numeral "112" in lieu of 115.

(2) Unless otherwise ordered by the division or by agreement, the **[transit system] RFGS** shall maintain the road surface over the length of ties and between tracks where adjacent track centers are less than fifteen feet (15').

(A) Unless otherwise ordered by the division, when an **[transit system] RFGS** makes a track raise within a rail-highway grade crossing, the runoff along the roadway shall be maintained at not more than two inches (2") in the first ten feet (10') outside the end of ties, not more than six inches (6") in the next ten feet (10'), and the remaining run-off shall be brought to the same elevation as the existing grade within an additional ten feet (10') along the roadway.

(C) Unless otherwise ordered by the division or by agreement, the **[transit system] RFGS** shall maintain a pedestrian grade crossing of equal width as the approaching sidewalk over the length of ties, and between tracks where adjacent track centers are less than fifteen feet (15') apart. The **[transit system] RFGS** shall use a durable, contrasting material between the ends of ties when the approaching sidewalk is constructed of a hard surface material. Any durable material compatible with the material used on the sidewalk may be used on the pedestrian grade crossing between the adjacent tracks.

**AUTHORITY:** sections 622.027[, *RSMo Supp. 1997*] and **389.1005, *RSMo 2000***. This rule originally filed as 4 CSR 265-9.100. Original rule filed Nov. 4, 1992, effective June 7, 1993. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved and amended: Filed Nov. 20, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title [4] 7—DEPARTMENT OF [ECONOMIC  
DEVELOPMENT] TRANSPORTATION  
Division 265—[Division of] Motor Carrier and  
Railroad Safety  
Chapter 9—Rail Fixed Guideway [Transit] Systems**

**PROPOSED AMENDMENT**

**[4] 7 CSR 265-9.110 Rail-Highway Grade Crossing Warning Devices.** The Missouri Highways and Transportation Commission is moving the rule to the Department of Transportation and amending the division, chapter, Purpose and section (1) and deleting section (2) of this rule and deleting the form following section (2) of this rule in the *Code of State Regulations*.

**PURPOSE:** This amendment corrects the reference to the *Millennium Edition of the Manual on Uniform Traffic Control Devices* relating to rail-highway grade crossing warning systems.

**PURPOSE:** *[This rule prescribes the standards to be followed in the installation of all rail-highway grade crossing warning systems used on fixed guideway transit systems.] Pursuant to section 389.610, RSMo, this rule adopts pertinent provisions of the Manual on Uniform Traffic Control Devices (MUTCD) relating to rail-highway grade crossing warning systems.*

(1) The **Multimodal Operations Division [of Motor Carrier and Railroad Safety] of the state Highways and Transportation Commission** incorporates by reference in this rule Part VIII of Federal Highway Administration, U.S. **[Dept.] Department** of Transportation, *Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) ([1988] 2003 edition)*, which is incorporated herein by reference and made a part of this rule as published by the Federal Highway Administration, United States

Department of Transportation, 400 7th Street SW Room 3408, Washington, DC 20590, and makes it applicable to rail fixed guideway *[transit]* systems (RFGS). **This rule does not incorporate any subsequent amendments or additions of this manual.** Part VIII, entitled "Traffic Control Systems for Railroad-Highway Grade Crossings," establishes standards for the design, installation and operation of rail-highway grade crossing warning devices. The *[division]* **commission** recommends that the standards in Part VIII be applied in the installation of all grade crossing warning systems on *[fixed guideway transit systems]* RFGSs in Missouri, unless otherwise provided by rule of the **commission** or order of the division.

*[(2) The Division of Motor Carrier and Railroad Safety incorporates by reference in this rule Part VIII of the Manual on Uniform Traffic Control Devices (MUTCD) (1988 Edition), with the following changes:*

*(A) Except as otherwise ordered by the division, the minimum allowable warning device shall conform to the specifications of section 8C-2, flashing light signal, at pages 8C-1 to 8C-2 of MUTCD, used in combination with section 8C-4, automatic gates, at pages 8C-3 to 8C-5 of MUTCD;*

*(B) The following section is added immediately after section 8B-9 at page 8B-7 of MUTCD:*

#### *8B-10 Crossing Inventory Number*

*The proper DOT/AAR crossing inventory number shall be displayed in a conspicuous location at each grade crossing.*

*(C) The sixth paragraph as contained in section 8C-7 at page 8C-10 of MUTCD is deleted. This paragraph provides as follows:*

*Two sizes of lenses, 8-inch diameter and 12-inch diameter, are available for flashing light signal units. The larger lens provides somewhat better visibility. In choosing between the sizes of lenses, consideration should be given to the principles stated in section 4B-A for choosing between the 8-inch and 12-inch lenses for use in highway intersection traffic control signals.*

*(D) The following section is added immediately after section 8C-7 at page 8C-9 of MUTCD:*

#### *8C-8 Lens Dimensions*

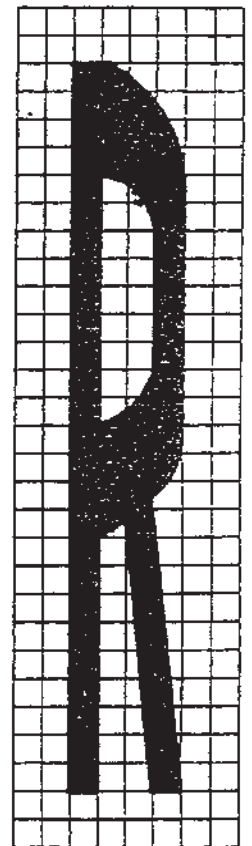
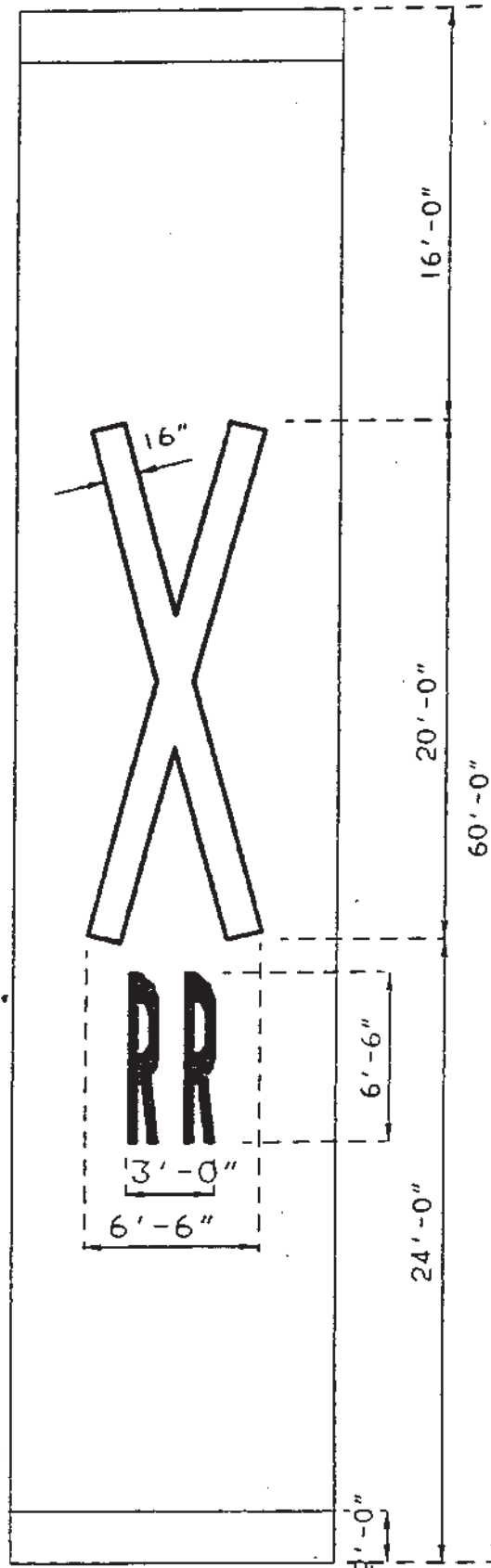
*Only 12-inch diameter lenses shall be used on flashing light signal units, unless the division grants a specific exemption.*

*(E) The following supplement to Figure 8-2 is added immediately after Figure 8-2 at Page 8B-4 of MUTCD:]*

/

STANDARD LETTER  
SEE: STANDARD ALPHABETS  
FOR HIGHWAY SIGNS  
AND PAVEMENT MARKINGS,  
1977 METRIC EDITION.

ALTERNATE (NARROW) TYPICAL  
PAVEMENT MARKING SUPPLEMENT  
TO FIGURE 8-2 OF MUTCD



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**AUTHORITY:** sections 622.027[, *RSMo Supp. 1997*] and **389.1005, *RSMo 2000***. This rule originally filed as 4 CSR 265-9.110. Emergency rule filed Feb. 5, 1993, effective Feb. 15, 1993, expired June 14, 1993. Original rule filed Nov. 4, 1992, effective June 7, 1993. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved and amended: Filed Nov. 20, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title [4] 7—DEPARTMENT OF [ECONOMIC  
DEVELOPMENT] TRANSPORTATION  
Division 265—[Division of] Motor Carrier and  
Railroad Safety  
Chapter 9—Rail Fixed Guideway [Transit] Systems**

**PROPOSED AMENDMENT**

**[4] 7 CSR 265-9.130 Visual Obstructions at Public Grade Crossings.** The Missouri Highways and Transportation Commission is moving the rule to the Department of Transportation and amending the division, chapter, Purpose and sections (1) and (2) of this rule.

**PURPOSE:** This amendment corrects references to rail fixed guideway systems.

**PURPOSE:** This rule prescribes the standards for maintaining visibility at public grade crossings with rail fixed guideway [transit] systems.

(1) It shall be the duty of every rail fixed guideway [transit] system (RFGS) operating within Missouri to maintain right-of-way at public grade crossings so that it will be reasonably clear of vegetation, undergrowth, and other debris for a distance of two hundred fifty feet (250') each way from the crossings.

(2) After the effective date of this rule, no sign, buildings, or other structures either temporary or permanent shall be erected on the right-of-way of any [transit system] RFGS within two hundred fifty feet (250') each way from any rail-highway grade crossing where those things would materially obscure approaching trains from the view of travelers on the highway, unless otherwise authorized by this division.

**AUTHORITY:** sections 622.027[, *RSMo 1986*] and **389.1005, *RSMo 2000***. This rule originally filed as 4 CSR 265-9.130. Original rule filed Nov. 4, 1992, effective June 7, 1993. Moved and amended: Filed Nov. 20, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title [4] 7—DEPARTMENT OF [ECONOMIC  
DEVELOPMENT] TRANSPORTATION  
Division 265—[Division of] Motor Carrier and  
Railroad Safety  
Chapter 9—Rail Fixed Guideway [Transit] Systems**

**PROPOSED AMENDMENT**

**[4] 7 CSR 265-9.140 Dedicated [Transit] Rail Fixed Guideway Telephone.** The Missouri Highways and Transportation Commission is moving the rule to the Department of Transportation and amending the division, chapter, title, Purpose, and sections (1) and (2) of this rule.

**PURPOSE:** This amendment corrects references to rail fixed guideway systems.

**PURPOSE:** This rule requires all rail fixed guideway [transit] systems operating within Missouri to provide a telephone so that those employees controlling the movement of trains may be contacted by appropriate emergency response agencies in case of emergency.

(1) Every rail fixed guideway [transit] system (RFGS) operating within Missouri shall install and maintain a telephone twenty-four (24) hours a day in the office of the chief train controller. The [transit system] RFGS shall use this telephone only for the purpose of receiving emergency communications. [The required telephone shall be a direct dial number and not connected through a private switchboard exchange requiring the use of a third party.]

(2) The [transit system] RFGS shall provide the division and all appropriate emergency response agencies with the following:

**AUTHORITY:** sections 622.027[, *RSMo 1986*] and **389.1005, *RSMo 2000***. This rule originally filed as 4 CSR 265-9.140. Original rule filed Nov. 4, 1992, effective June 7, 1993. Moved and amended: Filed Nov. 20, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title [4] 7—DEPARTMENT OF [ECONOMIC  
DEVELOPMENT] TRANSPORTATION  
Division 265—[Division of] Motor Carrier and  
Railroad Safety  
Chapter 9—Rail Fixed Guideway [Transit] Systems**

**PROPOSED AMENDMENT**

*[4] 7 CSR 265-9.150 Accidents and [Unacceptable Hazardous Conditions] Hazards, Compliance with Federal Transit Administration (FTA) Notification.* The Missouri Highways and Transportation Commission is moving the rule to the Department of Transportation and amending the division, chapter, title, Purpose, and sections (1) through (6) of this rule.

*PURPOSE:* This amendment clarifies the requirements for reporting accidents involving rail transit agency-controlled property.

*PURPOSE:* This rule provides for the reporting and correction of accidents and [unacceptable hazardous conditions] hazards occurring on rail fixed guideway [transit] systems, and for appropriate investigation by the division.

(1) Every rail fixed guideway [transit] system (RFGS) operating within Missouri shall give notice to this division of all accidents and [unacceptable hazardous conditions, as those terms are defined in rule 4 CSR 265-9.101,] hazards within the time and in the manner prescribed in [this rule] the *State Safety and Security Oversight Programs Manual for Missouri Light Rail* (the SSO Manual), which is incorporated herein by reference and made a part of this rule as published by the Missouri Highways and Transportation Commission, Multimodal Operations Division, 2217 St. Mary's Boulevard, Jefferson City, Missouri 65109, 2006 Edition. This rule does not incorporate any subsequent amendments or additions of this manual. Notice shall be given by contacting the Multimodal Operations Division of the Department of Transportation at (573) 751-4291, including incidents described in 49 CFR 659.33(a)(1) through (8), involving rail transit agency-controlled property that is:

(A) Property used in providing rail transit services;

(B) Track shared with the general railroad system and subject to the Federal Railroad Administration (FRA) notification requirements; or

(C) Incidents taking place on RFGS property in relation to the use of rail transit services.

(2) *[The transit system shall report Category I accidents and unacceptable hazardous conditions immediately, twenty-four (24) hours a day, by telephone to the division at (573) 751-4291. Category I includes the following accidents and unacceptable hazardous conditions:]* The division shall use its own investigation procedures in accordance with the SSO Manual and shall formally transmit its final investigation report to the RFGS. The division also shall certify that it has complied with the requirements of 49 CFR part 659, which may be done electronically using a reporting system specified by Federal Transit Administration (FTA).

*[(A) A derailment or collision resulting in a fatality or injury;*

*(B) Any accident or unacceptable hazardous conditions resulting in a fatality as a result of the operations of a train or equipment on a transit system; or*

*(C) Any incident involving fire or hazardous material requiring the cessation of operations or evacuation of employees or passengers.]*

*(3) [The transit system shall report Category II accidents and unacceptable hazardous conditions in writing to the division on the monthly report required by this rule. Category II includes all other accidents and unacceptable hazardous conditions, as defined in rule 4 CSR 265-9.010, besides Category I accidents and unacceptable hazardous conditions.] The division's investigative reports under this rule shall be closed records unless opened by order of the division director.*

*[(4) Each transit agency shall perform its own investigation of the probable cause of every Category I and Category II accident and unacceptable hazardous condition that occurs on its transit system, and shall file a written, monthly report on each accident and unacceptable hazardous condition using a form approved by the division staff. These reports shall be filed within thirty (30) days after the last day of the month in which the accident occurred or the unacceptable hazardous condition was discovered. The monthly report shall include the transit system's determination of the probable cause of each reported accident and unacceptable hazardous condition, and shall include such other information about the accidents and unacceptable hazardous conditions as the division may require.*

*(5) Together with each monthly report, the transit system shall file with the division, for review and approval, a corrective action plan which shall describe the transit system's plans to minimize, control, correct or eliminate each accident or unacceptable hazardous condition in a manner, and within a specified time, as stated in the plan. The corrective action plan shall include such relevant information as the division may require.*

*(6) The division shall perform an investigation, either independently or jointly with other involved public agencies, to determine the probable cause of each accident and unacceptable hazardous condition on a transit system within the division's jurisdiction; except that if the National Transportation Safety Board investigates an accident or unacceptable hazardous condition occurring on a transit system, then the division may perform an investigation.*

*(A) Whenever the division investigates a Category I accident or unacceptable hazardous condition, it shall—*

*1. Assign appropriate division personnel, or engage a qualified consultant, or both, to assist in the investigation;*

*2. Inspect the site of the accident or unacceptable hazardous condition as soon as possible;*

*3. Interview available witnesses, relevant transit system personnel and, if applicable, any other involved parties;*

*4. Review or collect any relevant physical or documentary evidence available to the division;*

*5. Review the transit system's determination of the probable cause of the accident or unacceptable hazardous condition, and its corrective action plan. The division director shall notify the transit system of the approval of the corrective action plan. The division staff may object to the corrective action plan, or any part of the plan, by filing a pleading with the division, which shall be determined by an administrative law judge after notice to the transit system and an opportunity for hearing; and*

*6. Determine the probable cause of the accident or unacceptable hazardous condition.*

*(B) Whenever the division investigates a Category II accident or unacceptable hazardous condition, it shall, at a minimum, perform the activities described in paragraphs 5. and 6. of subsection (A) of this section. The division may also perform any activities described in paragraphs 1., 2., 3. or 4. of that subsection, or otherwise authorized by law.]*

**AUTHORITY:** sections 622.027[, *RSMo Supp. 1997*] and **389.1005, *RSMo 2000***. This rule originally filed as 4 CSR 265-9.150. Emergency rule filed Feb. 5, 1993, effective Feb. 15, 1993, expired June 14, 1993. Original rule filed Nov. 4, 1992, effective June 7, 1993. Emergency amendment filed Dec. 20, 1996, effective Dec. 30, 1996, expired June 27, 1997. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved and amended: Filed Nov. 20, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 30—Division of Administrative and Financial  
Services  
Chapter 261—[Pupil] School Transportation**

**PROPOSED AMENDMENT**

**5 CSR 30-261.040 Allowable Costs for State Transportation Aid.** The State Board of Education is proposing to amend the Chapter name, sections (1)–(6), delete section (7) and Appendix A, and amend and renumber section (8).

**PURPOSE:** House Bill 1180 (2006) prohibits an administrative penalty to the district's state transportation aid when the district demonstrates, pursuant to rule established by the state board of education, that a student living less than one (1) mile from school needs to be provided transportation at the expense of the district because the student otherwise is required to cross a state highway or county arterial in absence of sidewalks, traffic signals, or a crossing guard. The district must also demonstrate that no existing bus stop location has been changed to permit a district to evade such penalty. The proposed amended rule incorporates the provisions of HB 1180 and reflects technical changes.

(1) Allowable Costs for School District Operated **School Transportation**.

(A) Salaries and benefits of personnel employed for the operation and maintenance of [pupil] school transportation are allowable costs. If employees have other school duties in addition to those relating directly to transportation, then salaries and benefits shall be divided between [pupil] school transportation and other programs according to time actually spent in each program.

1. Examples of [allowable salaries for pupil] school transportation personnel for which salaries and benefits are allowable include those paid to [full-time] transportation directors, school aides serving students with [special needs] disabilities pursuant to law, school bus drivers, dispatchers, transportation secretaries, mechanics[, mechanic's helpers] and garage custodians.

2. Examples of [nonallowable] personnel for which salaries and benefits are nonallowable include [those paid to part-time transportation directors,] school administrators and administrative support staff that exceed the limitation described in paragraph

(1)(I)1. of this rule.

[(B) Employee benefits paid on salaries charged under subsection (1)(A) of this rule required by law, including unemployment and Workers' Compensation insurance, retirement and Social Security or other benefits approved by public school district board of education action as necessary to recruit and retain qualified school bus drivers are allowable. Contributions or benefits for employees who are charged part-time to pupil transportation shall be prorated accordingly.]

[(C)] (B) Purchased service expense is an allowable cost. Examples of allowable purchased service expense include:

1. Insurance [on pupil transportation] for school buses;
2. Labor contracted for repairs and parts used for repairs by persons other than school district employees;
3. Expenditures for utilities, insurance and telephone for the school bus garage/storage facility. If these facilities are used for vehicles other than school buses, costs must be prorated on the basis of the number of vehicles served by the facility; and
4. Expenditures for cellular telephone service [for school bus] and two (2)-way radio communication systems.

[(D)] (C) Supplies expense is an allowable cost. Examples of allowable supplies include:

1. Fuel;
2. Oil and other lubricants;
3. Tires, both new and recapped, tubes, tire and tube repair;
4. Tools;
5. Parts, including engine parts, batteries, antifreeze, small motors, lights, lenses, bulbs, springs and shock absorbers; and
6. Custodial supplies for the school bus garage/storage facility. If these facilities are used for vehicles other than [pupil] school transportation vehicles, costs must be prorated on the basis of the number of vehicles served by the facility.

[(E)] (D) Capital outlay expense is an allowable cost. Capital outlay expenditures must be paid out of the Capital Projects Fund. Examples of allowable capital outlay expenditures include:

1. The cost of retrofit equipment required on school buses under Missouri specification or otherwise authorized in this rule;
2. Expenses incurred to equip school buses with a two (2)-way radio communication system, including a communication tower (antenna) and administrative base station or cellular telephones;
3. Expenses for electronic safety and security equipment;
- [3.] 4. Expenses incurred to equip school buses with strobe lights; and
- [4.] 5. The cost of replacement engines for school buses.

[(F)] (E) The depreciation costs of new and used school buses are allowable. [New and used school buses which are being leased with the intention of purchase must be depreciated.] The purchase price of lease[d]/purchased school buses shall not include interest. Each vehicle eligible for depreciation shall be depreciated on a straight-line depreciation schedule of eight (8) years beginning in the first year the school bus is placed in service. No depreciation will be paid for school buses which are ten (10) model years of age or older. If a vehicle is sold, either for cash or trade-in, its value and the gain or loss from sale or trade must be reflected in the aggregate district depreciation schedule.

[(G)] (F) The depreciation costs of new school bus facilities [such as the school bus storage facilities and maintenance garages may] and the renovation of existing bus parking lot and school bus facilities that exceed five thousand dollars (\$5,000) per fiscal year shall be claimed by a school district on a straight-line depreciation schedule of [not less than] twenty (20) years beginning in the first year of the facility's use. If these facilities are used for vehicles other than school buses, the depreciation charged will be prorated on the basis of the number of vehicles served by the facilities.

(G) Allowable cost for transporting students with disabilities.

1. Expenditures for additional equipment necessary for



transporting students with disabilities, such as vehicle renovation, lifts, seat restraints and wheelchair locks.

2. Expenditures for salaries and benefits of bus drivers and aides for students with disabilities, purchased services, supplies and capital outlay (excluding vehicle purchases) incurred while operating routes transporting only students with disabilities.

3. Routes to be approved by the local board of education and included for additional costs for transporting students with disabilities must meet the following criteria:

A. Transport students to and from school on a daily basis; and

B. Transport primarily students with disabilities.

(I) Administrative support service expenditures not to exceed five percent (5%) for each district-operated transportation services school district's total of subsections (1)(A)–[(G)] (F) in this rule and for each contract-operated school district's total of subsection (2)(A) cost for providing administrative support services related to the operation of their [pupil] school transportation program. Administrative support service expenditures include:

1. Salaries and benefits paid to part-time transportation directors, school administrators and administrative support staff;

2. Expenditures for utilities, insurance and telephone for the transportation office;

3. Custodial and office supplies for the transportation office; and

4. Office space and equipment for the transportation office, including but not limited to: furniture, copy machine, fax machine, computer hardware and software.

(2) Allowable Costs for Contracted School Transportation [Service].

(3) Eligible and Ineligible Transportation Mileage.

(A) Transportation eligible for state aid includes:

1. Approved route mileage during the regular school term to and from [–]:

A. School at the beginning and end of the regular school day;

B. A publicly-operated university laboratory school at the beginning and end of the school day;

C. Any school, department or class conducted during the regular school day for which [vocational] career education aid is paid by the Division of [Vocational and Adult] Career Education that provides education services for high school students;

D. Special education classes either in or outside the district that require special transportation arrangements at the beginning and end of the regular school day or during the regular school day; and

E. Any public school district with an accredited high school when provided by an elementary school district at the beginning and end of the regular school day;

2. Approved route mileage during the summer school term (for summer school programs that are approved by the Division of [Instruction] School Improvement) to and from special education classes either in or outside the district that require special transportation arrangements; and

3. Route mileage will be approved by the [State Board of Education] local board of education on the basis of the most effective and economical route to transport students. All mileage on approved routes will be considered eligible including necessary mileage before student pickups and after student delivery.

(B) Transportation mileage ineligible for state aid includes:

1. Mileage to and from any place at any time for field trips, athletic events or extracurricular activities;

2. Mileage for maintenance or safety inspections;

3. Mileage for school bus operators to take commercial driver's license or school bus permit driving skills tests, or both;

[4. Mileage for special education shuttle transportation

services for diagnostic purposes, physical, speech or occupational therapy; and]

[5.] 4. Mileage for transporting three (3)- and four (4)-year old special education students to any place for education services authorized by section 162.700, RSMo[.]; and

5. Mileage for a route that only picks up students who live less than one (1) mile from school.

(4) Students Eligible and Ineligible for State Transportation Aid.

(A) State aid for transportation shall be paid as provided in section 163.161, RSMo, and as implemented in this rule, only on the basis of the cost of transportation for those students living one (1) mile or more from school including publicly-operated university laboratory schools or who are transported one (1) mile or more to and from approved public [accredited vocational] career education courses, special education classes either in or outside the district. [School] Regular school term, [vocational] career education and [special education] students with disabilities[,] are defined as eligible students in calculating a district's state transportation aid.

(B) If a district provides transportation service to students living less than one (1) mile from school as provided in section 167.231, RSMo, or [who are] provide[d] shuttle transportation less than one (1) mile to and from any school or learning center either in or outside the district [for department-approved specialized learning opportunities], these students may be transported and are defined as ineligible students in calculating a district's state transportation aid. If, however, a local board of education determines that certain students who live less than one (1) mile from school or [who are provided shuttle transportation less than one (1) mile to and from specialized learning opportunities] are transported at no appreciable expense to that incurred in the transportation of eligible students, a district may provide transportation to these students without increasing or diminishing its entitlement to state transportation aid but in no case shall [more than twelve percent (12%) of its average daily number of eligible pupils transported be at no appreciable additional expense.] a school district create space by adding an additional school bus to transport these students, or detour from the regular route to transport these ineligible students. No district shall be subject to a penalty when the district reports that certain students transported from a school bus stop, which existed in school year 2005-06 and who live less than one (1) mile from school, are being transported so these students do not have to cross a state highway or county arterial where there are no sidewalks, traffic signals, or a crossing guard to access the students' school building.

(C) If a district receives compensation from a parent or guardian for transporting a student who lives less than one (1) mile from school, as provided in section 167.231, RSMo [or who is provided shuttle transportation less than one (1) mile to and from specialized learning opportunities], the student shall be reported as ineligible and shall not be counted as a part of the students transported at no appreciable additional expense.

(5) Calculation of State Transportation Aid for Districts [Other Than Special School Districts for the Cost of Transportation Incurred after June 30, 1998]. State transportation aid, including district-operated transportation costs, contracted costs, or both, will be determined by prorating total allowable cost less the total cost of transportation of students with disabilities on the basis of eligible and ineligible miles less the miles for the transportation of students with disabilities. The average number of students daily transported (ADT) and the applicable mileage resulting from a contract for transportation between two (2) school districts will be certified by the district providing contracted service to the sending district. The ADT and mileage so certified will be omitted by the serving district from its calculation of state aid and will be included by the sending district in its state aid computations.

[(A) State transportation aid will be determined by prorating total allowable cost less the total cost of transportation of handicapped and severely handicapped students, including district-operated transportation costs, contracted costs, or both, on the basis of eligible and ineligible miles less the miles for the transportation of handicapped and severely handicapped students. The average number of students scheduled to be transported (AST) and the applicable mileage resulting from a contract for transportation between two (2) school districts will be certified by the district providing contracted service to the sending district. The AST and mileage so certified will be omitted by the serving district from its calculation of state aid and will be included by the sending district in its state aid computations.]

[1.] (A) Non-[handicapped] disabled students allowable costs, less any receipts for interdistrict contracted transportation, will be divided by the total number of non-[handicapped] disabled students eligible miles and ineligible miles traveled to [obtain] determine a non-[handicapped] disabled student/s] cost per mile.

[2.] (B) The non-[handicapped] disabled student/s] cost per mile is multiplied by total non-[handicapped] disabled students eligible miles [giving] yielding the cost for non-[handicapped] disabled students eligible miles. This cost is divided by the average number of eligible non-[handicapped] disabled students plus the average number of ineligible students [scheduled to be] transported, less the average [scheduled] number transported at no appreciable additional expense, [giving] yielding the cost per non-[handicapped] disabled student/s] AST] ADT.

[3.] (C) The cost per [AST] ADT for non-[handicapped] disabled students calculated in [paragraph (5)(A)2.] subsection (5)(B) is multiplied by the eligible non-[handicapped] disabled students [AST] ADT, representing the average number of non-[handicapped] disabled students [scheduled to be] transported who live one (1) mile or more from school. If necessary, this product is then adjusted by the district's cost factor, as outlined in [Appendix A] paragraph (7)(A)5., to determine what portion of its costs for eligible non-[handicapped] disabled students will be used in calculating transportation aid. The result of this step is then multiplied by seventy-five percent (75%) to obtain [a tentative] the maximum non-[handicapped] disabled students transportation aid [figure] amount.

[4.] (D) The total cost of transportation of [handicapped and severely handicapped] students with disabilities is multiplied by seventy-five percent (75%) to obtain [a tentative handicapped] the maximum students with disabilities transportation aid [figure for public school districts that maintain records of specialized services for school students] amount.

[5.] (E) The cost per [AST] ADT for non-[handicapped] disabled students calculated in [paragraph (5)(A)3.] subsection (5)(C) is combined with the cost per [AST] ADT for [handicapped] students with disabilities calculated in [paragraph (5)(A)4.] subsection (5)(D) to obtain [a tentative] the maximum transportation aid [figure] entitlement.

[(B) One hundred twenty-five percent (125%) of the state average per pupil cost for the second preceding year is multiplied by the district's eligible non-handicapped students AST to obtain a ceiling figure. This ceiling figure is compared to the tentative transportation aid figure determined in paragraph (5)(A)4. of this rule.

(C) If the smaller figure is the tentative transportation aid figure determined in paragraph (5)(A)4. of this rule, the state transportation aid to be apportioned for the ensuing year will be the amount calculated in paragraph (5)(A)4.

(D) If the smaller figure is the ceiling figure determined in subsection (5)(B) of this rule and if the district provides no transportation for handicapped, severely handicapped students, or both, the amount of transportation aid to be apportioned for the ensuing year will be the ceiling figure deter-

mined in subsection (5)(B) of this rule. If the district provides transportation for handicapped, severely handicapped students, or both, additional aid may be calculated as follows:

1. That portion of total allowable costs which is directly and exclusively incurred for approved transportation of handicapped and severely handicapped students is divided by the average number of handicapped and severely handicapped students scheduled to be transported in this approved transportation. From the result is subtracted the district average cost per non-handicapped students AST determined in paragraph (5)(A)3. of this rule;

2. The difference obtained in paragraph (5)(D)1. is multiplied by seventy-five percent (75%) and the product is then multiplied again by the average number of handicapped and severely handicapped students scheduled to be transported; and

3. The result in paragraph (5)(D)2. is added to the amount of transportation aid calculated in subsection (5)(B). The sum is compared to the tentative transportation aid figure calculated in paragraph (5)(A)3. and the smaller amount is the aid to be apportioned during the ensuing school year.]

[(E)] (F) If the amount appropriated for transportation aid is less than the aggregate amount of entitlement for districts, then the amount of aid distributed to each district shall be prorated to equal the level of appropriation.

#### (6) Records and Audits.

(A) Each school district will [submit an application each year showing] annually submit the data required to determine the allowable costs, ridership, and mileage upon which its [claim for] transportation aid [is based] will be computed. The [application figures] transportation data must be documented by the records of the local school district.

1. Records are to be kept on a school-year basis.

2. Records are to include substantiation for the following:

A. Allowable costs as defined in this rule;

B. Eligible and ineligible mileage as defined in this rule;

C. Numbers of students who are provided transportation under eligible mileage; and

D. All receipts for transportation contracts from other districts, student activities or other sources.

(B) The school district audit provided for in section 165.121, RSMo, shall include an opinion statement regarding the adequacy and accuracy of allowable cost and mileage records kept by the district and used for the transportation aid application for the period audited.

#### [(7) Additional Allowable Cost for Transporting the Handicapped/Severely Handicapped.

(A) Expenditures for additional equipment necessary for transporting the handicapped/severely handicapped, such as vehicle renovation, lifts, seat restraints and wheelchair locks.

(B) Expenditures for additional drivers' salaries, benefits, purchased services, supplies and capital outlay (excluding vehicle purchases) incurred operating routes transporting only handicapped/severely handicapped.

1. Routes to be approved by the board of education and included for additional costs for transporting the handicapped must meet the following criteria:

A. Transport students to and from school on a daily basis; and

B. Transport exclusively handicapped/severely handicapped students.

(C) Expenditures for salaries and required benefits of bus aides required for transporting handicapped/severely handicapped.]



[(8)] (7) Procedures to Evaluate Circumstances to Authorize State Transportation Aid in Excess of State Average Approved Cost Per Pupil Transported the Second Previous Year.

(A) The district cost factor described [in Appendix A of this rule] below shall be used to measure the efficiency of the transportation program for costs other than the costs of transporting exclusively [handicapped and severely handicapped] students with disabilities. The State Board of Education will authorize transportation aid in excess of one hundred twenty-five percent (125%) of the state average cost per pupil transported the second previous year in an amount not to exceed seventy-five percent (75%) of allowable costs if the district would be eligible under the cost factor described in Appendix A):

1. A curvilinear regression analysis is computed annually to predict y, the cost per student mile, based on x, the number of miles per student per day, for each district.

2. The cost per student mile predicted for each district is compared with the district's actual cost per student mile. When the cost factor ratio of actual to predicted costs is one hundred percent (100%) or less, the operation of the district's transportation service is considered to be efficient. If the percentage is greater than one hundred percent (100%), the operation of the transportation service is presumed to be inefficient.

3. A variance factor of four percent (4%) based statistically on the standard error recognizes possible error in the regression analysis. The state maximum cost factor will be one hundred four percent (104%) (one hundred percent plus four percent (100% + 4%) variance factor).

4. The allowable costs of a district will be reduced by the same percentage that the district's cost factor exceeds one hundred four percent (104%) with no adjustment exceeding thirty percent (30%). For example, if the district's cost factor is one hundred ten percent (110%), this figure exceeds one hundred four percent (104%) by six percent (6%) and the allowable costs would be reduced six percent (6%) before calculating transportation aid. Likewise, if the district's cost factor is one hundred fifty percent (150%), this figure exceeds one hundred four percent (104%) by forty-six percent (46%) but the allowable costs will be reduced by thirty percent (30%) so that no less than seventy percent (70%) of the allowable costs will be used in calculating transportation aid.

5. The following statistical formula defines the curvilinear regression analysis used to determine cost factors.

#### Prediction Formula

$$y = ax^b$$

y = predicted cost per student per mile for a district

x = actual miles per student per day for a district

a and b = computed amounts using the entire state's average miles per student per day (x) and average cost per student mile (y) as further defined.

#### Formula to compute a

$$a = e(\Sigma Lny - b\Sigma Lnx)/N$$

e = 2.71. . . (This is a constant from mathematics. "a" is obtained by finding the natural antilog of the exponent of "e" as shown in the equation above.)

#### Formula to compute b

$$b = \frac{N\Sigma (Lnx \cdot Lny) - (\Sigma Lnx) \cdot (\Sigma Lny)}{N\Sigma (Lnx)^2 - (\Sigma Lnx)^2}$$

The meanings of the symbols used in the formulas defining "a" and "b" are as listed:

Lnx = natural logarithm of each x

Lny = natural logarithm of each y

(Lnx)<sup>2</sup> = natural logarithm of each x squared

(Lnx)·(Lny) = natural logarithm of x multiplied by the natural logarithm of y for each district

ΣLnx = sum of Lnx for all transporting districts

ΣLny = sum of Lny for all transporting districts

Σ(Lnx)<sup>2</sup> = sum of (Lnx)<sup>2</sup> for all transporting districts

Σ(Lnx·Lny) = sum of (Lnx·Lny) for all transporting districts

N = number of transporting districts

[APPENDIX A  
The Determination of District Cost  
Factors for Use in Paragraph (5)(A)3.

When section 163.161, RSMo, the authority for paying transportation aid, was revised in 1977, the General Assembly assigned responsibility for determining allowable costs to the State Board of Education. The definition of these costs and the way they are used in calculating transportation aid have been included in this rule. Because transportation aid is based on the level of costs, the board has been concerned that transportation service be provided as efficiently as possible. Accordingly, an approach has been developed to predict costs for transportation in school districts.

An analysis of transportation statistics has confirmed a strong correlation between the average number of bus miles per pupil traveled each day ( $x$ ) and the average cost per pupil mile ( $y$ ). Based on this correlation, a simple curvilinear regression analysis can be computed to predict  $y$ , the cost per pupil mile, based on  $x$ , the number of miles per pupil per day, for each district. This general approach has been used as the basis for transportation aid in other states.

Using the results of the regression analysis, the cost per pupil mile predicted for each district can be compared with its actual cost per pupil mile. To the extent that the actual cost is less than the predicted cost, a district can be considered to be operating its transportation service efficiently. To the extent that the actual cost exceeds the predicted cost, the district may be providing service inefficiently. Another way to express this relationship is as a percentage. If the ratio of actual to predicted costs is one hundred percent (100%) or less, the district program is assumed to be efficient. If the percentage is greater than one hundred percent (100%), there is presumed inefficiency.

The State Board of Education uses this cost factor expressed as a percentage to adjust allowable costs as an incentive for economical service. A variance factor based statistically on the standard error has been determined to allow for any possible error in the regression analysis. The variance factor has been set at four percent (4%). The state maximum cost factor will be one hundred four percent (104%) (100 percent plus 4 percent variance factor). If a school district has a cost factor percentage of one hundred four percent (104%) or less, no adjustment is made in allowable costs. If the cost factor is greater than one hundred four percent (104%), the allowable costs will be reduced by the same percentage that the factor exceeds one hundred four percent (104%). For example, if the cost factor is one hundred ten percent (110%), this figure exceeds one hundred four percent (104%) by six percent (6%) and the allowable costs would be reduced six percent (6%) before calculating transportation aid. Allowable costs will not be adjusted to a level lower than seventy percent (70%) using this cost factor.

The cost per pupil mile will be predicted annually for all school districts providing transportation service based on data submitted on the application for transportation aid. The following statistical formula defines the curvilinear regression analysis used to determine cost factors.

Prediction Formula

$$y = ax^b$$

$y$  = predicted cost per pupil per mile for a district

$x$  = actual miles per pupil per day for a district

$a$  and  $b$  = computed amounts using the entire state's average miles per pupil per day ( $x$ ) and average cost per pupil mile ( $y$ ) as further defined.

Formula to compute  $a$

$$a = e^{(\sum Lny - b \sum Lnx) / N}$$

$e = 2.71$ . . . (This is a constant from mathematics. " $a$ " is obtained by finding the natural antilog of the exponent of " $e$ " as shown in the equation above.)

Formula to compute  $b$

$$b = \frac{N \sum (Lnx \cdot Lny) - (\sum Lnx) \cdot (\sum Lny)}{N \sum (Lnx)^2 - (\sum Lnx)^2}$$

The meanings of the symbols used in the formulas defining " $a$ " and " $b$ " are as listed—

$Lnx$  = natural logarithm of each  $x$

$Lny$  = natural logarithm of each  $y$

$(Lnx)^2$  = natural logarithm of each  $x$  squared

$(Lnx) \cdot (Lny)$  = natural logarithm of  $x$  multiplied by the natural logarithm of  $y$  for each district

$\sum Lnx$  = sum of  $Lnx$  for all transporting districts

$\sum Lny$  = sum of  $Lny$  for all transporting districts

$\sum (Lnx)^2$  = sum of  $(Lnx)^2$  for all transporting districts

$\sum (Lnx \cdot Lny)$  = sum of  $(Lnx \cdot Lny)$  for all transporting districts

$N$  = number of transporting districts]

*AUTHORITY: sections 163.161, [RSMo 1994] 165.121, 167.231 and 304.060, RSMo 2000 and 161.092 and 162.700, RSMo Supp. 2005. This rule was previously filed as 5 CSR 40-261.040. Original rule filed Sept. 15, 1977, effective Jan. 16, 1978. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Nov. 28, 2006.*

*PUBLIC COST: The current public cost of this rule for public school districts was calculated for the Fiscal Year 2007 budget request to the governor and general assembly to be \$231,904,742. The Fiscal Year 2007 appropriation is \$162,667,713. Therefore, the current cost is \$162,667,713. The appropriation, recurring annually for the life of the rule, will be redistributed such that school districts who become more efficient as a result of the law eliminating the penalty for students transported living less than one (1) mile from school will receive some additional funds causing some reduction in the funds to other districts.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Tom Quinn, Director, School Governance, PO Box 480, Jefferson City, MO, 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC COST****I. RULE NUMBER**

Title: 5 Department of Elementary and Secondary Education  
Division: 30 Division of Administrative and Financial Services  
Chapter: 261 School Transportation  
Type of Rulemaking: Proposed Amendment  
Rule Number and Name: 5 CSR 30-261.040 Allowable Costs for State Transportation Aid

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Elementary and Secondary Education	
Public School Districts	\$162,667,713

**III. WORKSHEET**

The current public cost of this rule for public school districts was calculated for the Fiscal Year 2007 budget request to the Governor and General Assembly to be \$231,904,742. The Fiscal Year 2007 appropriation is \$162,667,713. Therefore, the current cost is \$162,667,713. The appropriation will be redistributed such that school districts who become more efficient as a result of the law eliminating the penalty for students transported living less than one mile from school will receive some additional funds causing some reduction in the funds to other districts.

**IV. ASSUMPTIONS**

The General Assembly will appropriate the same dollars for transportation in Fiscal Year 2008 as it appropriated for Fiscal Year 2007.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 50—Division of School Improvement  
Chapter 350—State Programs**

**PROPOSED AMENDMENT**

**5 CSR 50-350.040 A+ Schools Program.** The State Board of Education is proposing to amend sections (1)–(8).

*PURPOSE: This amendment eliminates the grant procedures and establishes standards for program approval and administrative procedures for the program as well as keeps the cost of the A+ Schools Program within legislative appropriation by requiring students to pay for dropped coursework.*

(1) The Department of Elementary and Secondary Education (DESE), Division of School Improvement (*[the]* division) is authorized to establish procedures for the implementation of the A+ Schools Program including:

*[(B) Annual grant award amounts and requirements;]*

*[(C)](B)* Initial and continued designation as an A+ school; and

*[(D)](C)* Initial and continued student eligibility to receive reimbursement for the cost of tuition, general fees and up to fifty percent (50%) of the book cost, subject to legislative appropriation, to attend any Missouri public community college *[or vocational]* or career-technical school.

(2) To participate in the A+ Schools Program, the chief administrator and school board of a public *[secondary]* school district with secondary schools must:

(A) Demonstrate a commitment to the established program goals. These goals are to ensure that all students:

1. Graduate from high school;
2. Complete a selection of high school studies that is challenging and has identified learning expectations; and
3. Proceed from high school graduation to a **community** college *[or]*, postsecondary *[vocational or] career-technical* school, or high wage job with work place skill development opportunities;

(B) Provide assurance that the district will:

1. Establish measurable district-wide performance standards for the program;
2. Specify the knowledge, skills and competencies in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify students for graduation from the school;
3. Establish student performance standards, that lead to or qualify students for graduation, and *[that these standards will be revised to]* meet or exceed the performance standards adopted by the **State Board of Education** (board);

*[4. Not offer a general track of courses that, upon completion, can lead to a high school diploma;]*

*[5.]4.* Require rigorous coursework with standards of competency in basic academic subjects for students pursuing *[vocational or] career-technical* education or employment; and

*[6.]5.* Develop a partnership plan in cooperation and with the advice of local business persons, labor leaders, **teachers, senior citizens**, parents and representatives of colleges and postsecondary *[vocational or] career-technical* schools, with the plan then approved by the local board of education. The plan shall specify:

**A.** *[a]A* mechanism to receive **updated** information on an annual basis from those who developed the plan *[in addition to senior citizens, community leaders and teachers to update the plan]* in order to best meet the goals of the program*[/];*

**B.** *[The plan shall detail the p]Procedures* used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students*[/];*

**C.** *[The plan shall outline c]Counseling* and mentoring

services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs*[/];* and

**D.** *[shall contain p]Procedures* for the recruitment of volunteers from the community to serve in the school;

(C) Designate a *[salaried]* **certificated** employee to serve as the A+ Schools **Program** coordinator;

*[(D) Assume at least fifty percent (50%) of the salary, fringe benefits, and other program related activity costs of the coordinator;]*

*[(E) Provide at least twenty-five (25%) percent matching funds from local sources for all remaining grant funds expended;]*

*[(F)](D)* Make facilities and services available for adult literacy training;

*[(G)](E)* Be classified as an **accredited or provisionally accredited school district** by the board *[as an accredited or provisionally accredited school district]* under DESE's Missouri School Improvement Program; **and**

*[(H) If seeking a grant, prepare and submit a three (3)-year grant proposal in response to the division's request for proposals; and]*

*[(I)](F)* Schools *[not receiving a grant,]* may request a designation review *[(as funds are available)] two (2) years after the submission of the Notification of Commitment Form* and when they *[feel they]* have met the requirements of the program.

*[(3) School districts with more than one (1) high school attendance center may make grant applications for a maximum of two (2) of these attendance centers in a single grant year.]*

*[(4) As funds are available, a request for proposals will be made available to eligible school districts by the division by January of each fiscal year. Grants shall be funded with the amount subject to legislative appropriation, less those funds necessary to reimburse eligible students. Existing grants, if any, will be given priority. Applicants must develop a grant proposal and forward it to the division no later than March 31 of each fiscal year in order to receive consideration for a grant. Grant awards will be effective July 1 of each year.]*

*[(5)](3) [Grant proposals must contain at least the following] High schools seeking designation must provide DESE with notification of their intent to seek designation. The notification must contain:*

(A) The name and address of the high school and school district applying for *[a grant award]* **A+ status**;

(B) *[A statement of commitment to implement the content of the grant proposal bearing t] The signature of the chief administrator and board president of the school district submitting the [grant proposal] request for designation;*

(C) Statement(s) of assurance that the school district will:

1. Demonstrate a commitment to the established goals of the A+ Schools Program *[and to implement its proposed plan to receive designation as an A+ School];*

*[2. Designate a qualified salaried employee to serve as the A+ Schools Program coordinator;]*

*[3. Establish student performance standards that lead to or qualify students for graduation, and that these standards will be revised to meet or exceed the performance standards adopted by the board;]*

*[4. Expend local funds in an amount equal to or greater than fifty percent (50%) of the grant award expenditure for the A+ Schools Program coordinator and the coordinator's related activities;]*

*[5. Expend local funds in an amount equal to or greater than twenty-five percent (25%) of any remaining grant*



award expenditures to implement the proposed A+ Schools Program;]

[6. Provide fiscal control, property management control and fund accounting procedures;]

[7.12. [Deliver, i]Implement and annually update a partnership plan;

[8.13. Establish a data and accountability system necessary to determine and report at least student demographics and enrollment, student completion and performance of coursework, student follow-up after leaving high school, program outcome/s and], student success relating to the implementation of the partnership plan, and student eligibility to receive student financial incentives available through the A+ Schools Program;

[9.14. Comply with all reporting requirements of DESE [relating to this grant award program];

[10.15. Develop and implement a plan in compliance with all applicable state law and regulations [; and] to report students who drop out of school; and]

[11. Make their facilities and services available for adult literacy training;]

(D) [A three (3)-year] **Develop** a plan of implementation which addresses each of the program requirements specified in this rule, including:

1. A listing of major objectives[; and] **that include:**

[2. A listing of activities and timelines for each objective;]

A. Curricular and instructional change;

B. Lower drop-out rates;

C. Student mastery of measurable learning expectations;

D. Successful transition from high school to continued education or employment;

E. A description of the process of the identification of and planned services for students considered to be at risk of educational failure and dropping out of school;

F. A plan to evaluate the effectiveness of the A+ Schools Program. Such evaluation should include but not be limited to:

1. Annualized high school drop-out rate;

2. Graduation rate;

3. Number of students enrolled by grade level, kindergarten through grade twelve (K-12);

4. Number of high school graduates continuing their education at four (4)-year colleges and universities, community colleges or career-technical schools. This data shall be recorded separately by category of institution;

5. Number of high school graduates entering the labor force;

6. Career education enrollment disaggregated by program/course and by location (local school district and area career-technical school); and

7. Career education follow-up/placement rates for local school district and career education programs in the area career-technical school; and

G. Name and description of each course offered at high school(s) and area career-technical school(s).

[(E) Description(s) of how the funds made available by this grant award program will be expended to implement the established program requirements as previously specified in this rule;]

[(F) A detailed, line item budget of anticipated local and grant fund expenditures for year one (1) and anticipated major categorical expenditures for years two (2) and three (3);]

[(G) A description of the process of the identification of and planned services for students considered to be at risk of educational failure and dropping out of school, including those services supported by funds made available by line fourteen (14) of the school foundation formula;]

[(H) A plan to evaluate the effectiveness of the A+ Schools Program implementation;]

[(I) Historical data for the past four (4) years, disaggregated by year, including:

1. Annualized high school drop out rate;

2. Graduation rate;

3. Number of students enrolled by grade level, kindergarten through grade twelve (K-12);

4. Number of high school graduates continuing their education at four (4)-year colleges and universities, community colleges, or vocational or technical schools. This data shall be recorded separately by category of institution;

5. Number of high school graduates entering the labor force;

6. Vocational education enrollment disaggregated by vocational education program/course and by location (home school district and area vocational school); and

7. Vocational education follow-up/placement rates for home school district and vocational education programs in the area vocational school; and]

[(J) Name and description of each course offered at high school(s) and area vocational school(s).]

[(6) As funds are available, the division will review all grant proposals submitted by public high school districts based upon the extent to which the grant proposal:]

[(A) Demonstrates a commitment to meet the established goals of the A+ Schools Program;]

[(B) Provides for structured implementation and is sufficiently comprehensive to assure successful achievement of the proposed objectives and activities, and fulfill the established program requirements;]

[(C) Is educationally significant to produce:

1. Curricular and instructional change;

2. Lower drop-out rates;

3. Student mastery of measurable learning expectations; and

4. Successful transition from high school to continued education or employment; and]

[(D) Is complete and received prior to the proposal deadline.]

[(7) After year one (1) of this grant award program, the division will give, subject to legislative appropriation, continued funding priority to those high school districts that have previously had grant proposals approved and are seeking additional annual funding to implement their three (3)-year plan.]

[(8)](4) The designated A+ Schools Program coordinator shall be employed [no less than] at least half time without additional district responsibilities, and have specified coordination and implementation duties to administer the district's proposed A+ Schools Program objectives. In addition, the designated individual must possess a valid Missouri certificate of license to teach in the secondary grade levels, [or] an administrator certificate of license to teach or a counselor certificate of license to teach.

[(9)](5) [To maintain eligibility to continued funding, subject to legislative appropriation, under this grant award program,] **In preparation for designation** participating public high school districts must:

(A) Accomplish at least the following requirements [during the first grant award year]:

1. Establish measurable district-wide performance standards for each of the three (3) established program goals and specific measures to determine attainment of each standard;

2. Demonstrate that developmental activities have taken place within the district or high school to specify the knowledge, skills/[and] competencies[,] **and mastery** in measurable terms, that students must demonstrate to successfully complete all of the individual

courses offered by the school, and in any course of studies which will qualify students for graduation from high school;

[3. *Demonstrate that developmental activities have taken place within the district or high school to measure and record mastery of each item of knowledge, skill or competency identified;*]

[4.]3. Demonstrate that procedures have been implemented within the district or school to eliminate the offering of a general track of courses that do not provide sufficient preparation for students upon graduation to successfully enter and progress in employment or postsecondary studies;

[5.]4. Establish a schedule of rigorous coursework with standards of competency *[in basic academic subjects for students pursuing vocational or technical education];*

[6.]5. Organize a local advisory committee of individuals *[representing each of the following groups] that will meet annually to cooperatively develop and revise the school's partnership plan. [and document formal meetings of the committee] Members should include:*

- A. Business person(s);
- B. Labor leaders;
- C. Parents;
- D. Community college and postsecondary *[vocational or] career-technical schools;*
- E. Senior citizens;
- F. Teachers; and
- G. Students; *[and]*

[7. *Develop the school's partnership plan as specified in this rule; and]*

*[(B) Accomplish at least the following requirements during the second grant award year:]*

[1.]6. Demonstrate that specific knowledge, skills and competencies have been identified, in measurable terms, that students must demonstrate to successfully complete all individual courses offered by the school, and any course of studies which qualify students for graduation from the school and are a part of the school's curriculum;

[2.]7. Demonstrate that specific measurement and student mastery record keeping procedures have been developed for each item of knowledge, skill or competency identified for each individual course that the school offers;

[3. *Demonstrate that continued action has taken place within the district or school to eliminate the offering of a general track of courses;*]

[4. *Demonstrate that a review for the purposes of updating the school's partnership plan has taken place with information received from the individuals who originally assisted in developing the plan; as well as senior citizens, community leaders and teachers;*]

[5.]8. Show evidence that a reduction in the number of high school students dropping out of school has occurred; **and**

[6.]9. Show evidence that procedures to ensure students who plan to participate in the A+ Schools Program financial incentives understand that:

A. Student financial incentives will be available for a period of four (4) years after high school graduation;

B. To be eligible, each student must *[enter into a written agreement with the school prior to high school graduation and];*

**(I) Enter into a written agreement with the school prior to high school graduation;**

*[(I)](II) Have attended a designated A+ School for three (3) consecutive years prior to high school graduation;*

*[(I)](III) Graduated from high school with an overall grade point average of two and five-tenths (2.5) points or higher on a four (4)-point scale, or graduated from a high school with documented mastery of institutionally identified skills that would equate to a two and five-tenths (2.5) grade point average or higher;*

*[(I)](IV) Have at least a ninety-five percent (95%) attendance record overall for grades nine through twelve (9-12);*

*[(IV)](V) Performed fifty (50) hours of unpaid tutoring or mentoring [for younger students]; and*

*[(V)](VI) Maintained a record of good citizenship and avoidance of the unlawful use of drugs and/or alcohol;*

C. To maintain eligibility, each participating student must during the four (4)-year period of incentive availability:

(I) *[Have] Has enrolled in and attends on a full-time basis a Missouri public community college [or vocational] or career-technical school; and*

(II) Maintain a grade point average of two and five-tenths (2.5) points or higher on a four (4)-point scale;

D. The *[tuition] financial* incentives will be made available, subject to legislative appropriation, only after the student has made a documented good faith effort to first secure all available federal postsecondary student financial assistance funds that do not require repayment; and

E. The *[tuition] financial* incentives will only be made available to reimburse the unpaid balance of the cost of tuition, general fees and up to fifty percent (50%) of the book cost subject to legislative appropriation after the federal postsecondary student financial assistance funds have been applied to these costs;

(I) If changes must be made to the above incentives due to legislative appropriation, DESE will endeavor to reimburse;

(a) First, the full amount of tuition;

(b) Second, the general fees; and

(c) Third, up to fifty percent (50%) of the book cost[.];

[7. *Show evidence that procedures are in place to document student attainment of the qualifications of the A+ Schools Program student financial incentives while in high school as specified in this rule, and the ability to provide this information to the institutions that graduates choose to attend as well as to DESE;*]

[8. *Provide the results of the evaluation of the schools first year implementation of the A+ Schools Program and a plan for improvement for any negative findings; and]*

[9. *Show evidence that the local advisory committee established during the first grant year has continued to meet on a formal basis; and]*

*[(C) Accomplish at least the following requirements during the third grant award year:]*

[1. *Demonstrate that the district or school has eliminated offering a general track of courses;*]

[2. *Demonstrate that an annual review process to update the school's partnership plan is in place;*]

[3. *Show evidence that a reduction in the number of high school students dropping out of school is continuing;*]

[4. *Show evidence that procedures are in place to document student eligibility in the A+ Schools Program student financial incentives;*]

[5. *Provide the results of the evaluation of the school's second year implementation of the A+ Schools Program and a plan for improvement for any negative findings; and]*

[6. *Show evidence that the local advisory committee established during the first grant year has continued to meet on a formal basis. ]*

*[(10)](6) Public high schools may be designated by the board as A+ Schools when they demonstrate that they have:*

(A) Made significant progress or attained the three (3) established program goals of the A+ Schools Program; and

(B) Met the established program requirements of the A+ Schools Program.

*[(11) In order to maintain designated A+ School status, a public high school must:*

(A) *Sustain or improve its graduation rate;*

(B) *Demonstrate a continued reduction in the number of students who drop out of school;*

(C) Continue to meet the established program requirements of the A+ Schools Program;

(D) Sustain or improve its placement rate of graduates who continue their education at four (4)-year colleges or universities, community colleges, or vocational or technical schools, or enter employment in a high wage job with work place skill development opportunities;

(E) Maintain a system of reporting student eligibility for the A+ Schools Program student financial incentives; and

(F) Submit an A+ School annual report as prescribed by the division.]

[(12)](7) Missouri public community colleges or [vocational or] career-technical schools shall verify, for each student intending to participate in the A+ Schools Program, student financial incentives at their institution that:

(A) During the first semester of the student's participation:

1. Verification of student eligibility has been received from the high school from which the student graduated;

2. The eligible student is enrolled as a full-time student;

3. A good faith effort has been made to secure federal postsecondary student financial assistance funds; [and]

4. After federal postsecondary student financial assistance funds are applied, the A+ Schools Program student will receive financial incentive funds. The amount of funds will depend on the remaining costs of tuition, general fees and up to fifty percent (50%) of the book cost subject to legislative appropriation to attend that institution; and

**5. Students who drop below full-time enrollment are financially responsible for dropped coursework; and**

(B) During the second and subsequent semesters of the student's participation:

1. The eligible student continues to be enrolled as a full-time student;

2. Good faith efforts continue to be made to secure federal postsecondary student financial assistance funds;

3. The student has earned and maintains a grade point average of two and five-tenths (2.5) points or higher on a four (4)-point scale; [and]

4. After federal postsecondary student financial assistance funds are applied, the A+ Schools Program student will receive financial incentive funds. The amount of funds will depend on the remaining costs of tuition, general fees and up to fifty percent (50%) of the book cost subject to legislative appropriation to attend that institution[.]; and

**5. Students who drop below full-time enrollment are financially responsible for dropped coursework.**

*AUTHORITY: sections 160.545 and 161.092, RSMo Supp. [2002] 2005. This rule was previously filed as 5 CSR 60-120.060. Original rule filed Nov. 10, 1993, effective June 6, 1994. Changed to 5 CSR 50-350.040 and amended: Filed Sept. 27, 2000, effective May 30, 2001. Amended: Filed Feb. 28, 2003, effective Sept. 30, 2003. Amended: Filed Nov. 28, 2006.*

*PUBLIC COST: This proposed amendment is estimated to cost the Department of Elementary and Secondary Education \$18,228,719 for Fiscal Year 2007, with the cost recurring annually for the life of the rule based upon yearly appropriations from the general assembly.*

*PRIVATE COST: This proposed amendment will cost private entities (students) in the aggregate of approximately nine hundred eighty thousand six hundred forty dollars (\$980,640) for Fiscal Year 2008 for classes dropped and not reimbursed by A+.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the*

*Missouri Department of Elementary and Secondary Education, Attn: Jocelyn Strand, Director, A+ Schools Program, Division of School Improvement, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC COST**

**I. RULE NUMBER**

Title: 5 Department of Elementary and Secondary Education  
Division: 50 Division of School Improvement  
Chapter: 350 State Programs  
Type of Rulemaking: Proposed Amendment  
Rule Number and Name: 5 CSR 50-350.040 A+ Schools Program

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Elementary and Secondary Education (Reimburse Education Agencies)	\$18,228,719 amount for Fiscal Year 2007 with this cost recurring annually for the life of the rule based upon yearly appropriations from the General Assembly.

**III. WORKSHEET**

Postsecondary institutions are reimbursed for the actual cost of tuition, general fees and up to fifty percent (50%) of the cost of books subject to legislative appropriation for each eligible A+ student who attends the institution on a full-time basis. The current legislative appropriation only covers the cost of tuition and general fees.

Expenses	Amount
Tuition and Fees for Continuing Students	\$10,887,231
Books for Continuing Students	
Tuition and Fees for New Students	\$7,291,488
Books for New Students	
Administrative Costs	\$50,000
Project Total	\$18,228,719



## FISCAL NOTE PRIVATE COST

### I. RULE NUMBER

Title: 5 Department of Elementary and Secondary Education  
 Division: 50 Division of School Improvement  
 Chapter: 350 State Programs  
 Type of Rulemaking: Proposed Amendment  
 Rule Number and Name: 5 CSR 50-350.040 A+ Schools Program

### II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the proposed amendment:	Classification by type of the entities which would likely be affected:	Estimate in the aggregate as to the cost of the compliance with the amendment by the affected entities:
19,282 continuing students and 12,834 new students.	Individual student/families who are participating in the A+ Schools Program	\$15.28 per person, per semester. \$980,640 for Fiscal Year 2008 with the cost recurring annually over the life of the rule.

### III. WORKSHEET

The average cost of dropped classes paid for by the A+ program is estimated to cost fifteen dollars and twenty eight cents (\$15.28) per person, per semester. DESE estimates that nineteen thousand two hundred and eighty two (19,282) continuing students and twelve thousand eight hundred and thirty four (12,834) new students will be participating in this program in Fiscal Year 2008. Therefore, the cost for Fiscal Year 2008 is nine hundred eighty thousand six hundred forty dollars (\$980,640). The estimate will vary annually based upon increases and decreases in student enrollment and increases in the number of A+ schools participating in the program.



**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 2—Air Quality Standards and Air Pollution**  
**Control Rules Specific to the Kansas City Metropolitan**  
**Area**

**PROPOSED AMENDMENT**

**10 CSR 10-2.070 Restriction of Emission of Odors.** The commission proposes to amend section (2) and subsection (4)(C). If the commission adopts this rule action, it is the department's intention not to submit this new rule to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan because there is no equivalent federal rule. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, [www.dnr.mo.gov/regs/regagenda.htm](http://www.dnr.mo.gov/regs/regagenda.htm).

*PURPOSE:* This rule restricts the emission of excessive odorous matter. This amendment removes the restriction on odor measurement methods requiring the source operator and staff director to agree on the method at the time of measurement. The amendment also replaces the current 5.4:1 dilution ratio specified in the rule for odorous emissions from Class 1A concentrated animal feeding operations with a 7:1 dilution ratio. The evidence supporting the need for the rulemaking is the September 30, 2004 Missouri Air Conservation Committee minutes directing the staff director to use a 7:1 dilution ratio for the Scentometer as the standard.

*PUBLISHER'S NOTE:* The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(2) These measurements may be made with a Scentometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results *[, as agreed to at the time by the source operator and the staff director]*.

(4) Control of Odors from Class 1A Concentrated Animal Feeding Operations.

(C) After January 1, 2002, no Class 1A concentrated animal feeding operation may cause, permit or allow the emission of odorous matter—

1. In concentrations and frequencies or for durations that the odor can be perceived when one (1) volume of odorous air is diluted with *[five and four-tenths (5.4)] seven (7)* volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one (1) hour. This odor evaluation shall be taken at a site not at the installation and will be used as a screening evaluation. A positive screening evaluation for odor shall require an odor sample to be taken and evaluated by olfactometry as described in paragraph (4)(C)2. of this rule. These measurements may be made with a Scentometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results *[, as agreed to at the time by the source operator and the staff director]*; and

2. When one (1) of the following conditions is met:

A. In concentrations with a best estimate detection threshold, represented as  $Z_{OL} \geq 110$ , as determined using American Society for Testing and Materials Standard *[E 679-91 (Reapproved 1997)] E 679-04 (published April 2004)* at an olfactometer flow rate of twenty (20) liters per minute. **This standard is incorporated by reference in this rule, as published by ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions; or**

B. At intensities greater than that of two hundred twenty-five (225) parts per million of n-butanol odorant in air, which serves as the reference scale, as determined by an olfactometry panel evaluation of a sample of the odorous air.

*AUTHORITY:* section 643.050, RSMo 2000. Original rule filed Dec. 26, 1968, effective Jan. 5, 1969. Amended: Filed March 26, 1970, effective April 5, 1970. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003, effective Sept. 30, 2003. Amended: Filed Dec. 4, 2006.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 9:00 a.m., February 1, 2007. The public hearing will be held at the Lewis and Clark State Office Building, 1101 Riverside Drive, 1st Floor, LaCharrette Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., February 8, 2007. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 3—Air Pollution Control Rules Specific to the**  
**Outstate Missouri Area**

**PROPOSED AMENDMENT**

**10 CSR 10-3.090 Restriction of Emission of Odors.** The commission proposes to amend section (4) and subsection (5)(C). If the commission adopts this rule action, it is the department's intention not to submit this new rule to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan because there is no equivalent federal rule. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, [www.dnr.mo.gov/regs/regagenda.htm](http://www.dnr.mo.gov/regs/regagenda.htm).

*PURPOSE:* This rule restricts the emission of excessive odorous matter. This amendment removes the restriction on odor measurement

methods requiring the source operator and staff director to agree on the method at the time of measurement. The amendment also replaces the current 5.4:1 dilution ratio specified in the rule for odorous emissions from Class 1A concentrated animal feeding operations with a 7:1 dilution ratio. The evidence supporting the need for the rulemaking is the September 30, 2004 Missouri Air Conservation Committee minutes directing the staff director to use a 7:1 dilution ratio for the Scentometer as the standard.

**PUBLISHER'S NOTE:** The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(4) Method of Measurement. Measurements may be made with a [s]Scentometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results [i, as agreed to at the time by the source operator and the staff director].

(5) Control of Odors from Class 1A Concentrated Animal Feeding Operations.

(C) After January 1, 2002, no Class 1A concentrated animal feeding operation may cause, permit or allow the emission of odorous matter—

1. In concentrations and frequencies or for durations that the odor can be perceived when one (1) volume of odorous air is diluted with [five and four-tenths (5.4)] seven (7) volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one (1) hour. This odor evaluation shall be taken at a site not at the installation and will be used as a screening evaluation. A positive screening evaluation for odor shall require an odor sample to be taken and evaluated by olfactometry as described in paragraph (5)(C)2. of this rule. These measurements may be made with a Scentometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results [i, as agreed to at the time by the source operator and the staff director]; and

2. When one (1) of the following conditions is met:

A. In concentrations with a best estimate detection threshold, represented as  $Z_{OL} \geq 110$ , as determined using American Society for Testing and Materials Standard [E 679-91 (Reapproved 1997)] E 679-04 (published April 2004) at an olfactometer flow rate of twenty (20) liters per minute. This standard is incorporated by reference in this rule, as published by ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions; or

B. At intensities greater than that of two hundred twenty-five (225) parts per million of n-butanol odorant in air, which serves as the reference scale, as determined by an olfactometry panel evaluation of a sample of the odorous air.

**AUTHORITY:** section 643.050, RSMo Supp. 2000. Original rule filed July 13, 1971, effective July 23, 1971. Amended: Filed Jan. 31, 1972, effective Feb. 10, 1972. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003, effective Sept. 30, 2003. Amended: Filed Dec. 4, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 9:00 a.m., February 1, 2007. The public hearing will be held at the Lewis and Clark State Office Building, 1101 Riverside Drive, 1st Floor, LaCharrette Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., February 8, 2007. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

## Title 10—DEPARTMENT OF NATURAL RESOURCES

### Division 10—Air Conservation Commission

#### Chapter 4—Air Quality Standards and Air Pollution Control Regulations for the Springfield-Greene County Area

### PROPOSED AMENDMENT

**10 CSR 10-4.070 Restriction of Emission of Odors.** The commission proposes to amend section (2) and subsection (4)(C). If the commission adopts this rule action, it is the department's intention not to submit this new rule to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan because there is no equivalent federal rule. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, [www.dnr.mo.gov/regs/regagenda.htm](http://www.dnr.mo.gov/regs/regagenda.htm).

**PURPOSE:** This rule restricts the emission of excessive odorous matter. This amendment removes the restriction on odor measurement methods requiring the source operator and staff director to agree on the method at the time of measurement. The amendment also replaces the current 5.4:1 dilution ratio specified in the rule for odorous emissions from Class 1A concentrated animal feeding operations with a 7:1 dilution ratio. The evidence supporting the need for the rulemaking is the September 30, 2004 Missouri Air Conservation Committee minutes directing the staff director to use a 7:1 dilution ratio for the Scentometer as the standard.

**PUBLISHER'S NOTE:** The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(2) These measurements may be made with a Scentometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results [i, as agreed to at the time by the source operator and the staff director].

(4) Control of Odors from Class 1A Concentrated Animal Feeding Operations.



(C) After January 1, 2002, no Class 1A concentrated animal feeding operation may cause, permit or allow the emission of odorous matter—

1. In concentrations and frequencies or for durations that the odor can be perceived when one (1) volume of odorous air is diluted with *[five and four-tenths (5.4)] seven (7)* volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one (1) hour. This odor evaluation shall be taken at a site not at the installation and will be used as a screening evaluation. A positive screening evaluation for odor shall require an odor sample to be taken and evaluated by olfactometry as described in paragraph (4)(C)2. of this rule. These measurements may be made with a Scentometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results *[, as agreed to at the time by the source operator and the staff director];* and

2. When one (1) of the following conditions is met:

A. In concentrations with a best estimate detection threshold, represented as  $Z_{OL} \geq 110$ , as determined using American Society for Testing and Materials Standard *[E 679-91 (Reapproved 1997)] E 679-04 (published April 2004)* at an olfactometer flow rate of twenty (20) liters per minute. **This standard is incorporated by reference in this rule, as published by ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions;** or

B. At intensities greater than that of two hundred twenty-five (225) parts per million of n-butanol odorant in air, which serves as the reference scale, as determined by an olfactometry panel evaluation of a sample of the odorous air.

*AUTHORITY: section 643.050, RSMo [Supp.] 2000. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003, effective Sept. 30, 2003. Amended: Filed Dec. 4, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 9:00 a.m., February 1, 2007. The public hearing will be held at the Lewis and Clark State Office Building, 1101 Riverside Drive, 1st Floor, LaCharrette Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., February 8, 2007. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 5—Air Quality Standards and Air Pollution  
Control Rules Specific to the St. Louis Metropolitan  
Area**

**PROPOSED AMENDMENT**

**10 CSR 10-5.160 Control of Odors in the Ambient Air.** The commission proposes to amend subsection (3)(C). If the commission adopts this rule action, it is the department's intention not to submit this new rule to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan because there is no equivalent federal rule. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, [www.dnr.mo.gov/regs/regagenda.htm](http://www.dnr.mo.gov/regs/regagenda.htm).

*PURPOSE: This rule restricts the emission of excessive odorous matter. This amendment removes the restriction on odor measurement methods requiring the source operator and staff director to agree on the method at the time of measurement. The amendment also replaces the current 5.4:1 dilution ratio specified in the rule for odorous emissions from Class 1A concentrated animal feeding operations with a 7:1 dilution ratio. The evidence supporting the need for the rulemaking is the September 30, 2004 Missouri Air Conservation Committee minutes directing the staff director to use a 7:1 dilution ratio for the Scentometer as the standard.*

(3) Control of Odors from Class 1A Concentrated Animal Feeding Operations.

(C) After January 1, 2002, no Class 1A concentrated animal feeding operation may cause, permit or allow the emission of odorous matter, beyond the property boundary of the facility or beyond the property boundary of a remote spreading location—

1. In concentrations and frequencies or for durations that the odor can be perceived when one (1) volume of odorous air is diluted with *[five and four-tenths (5.4)] seven (7)* volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one (1) hour. This odor evaluation shall be taken at a site not at the installation and will be used as a screening evaluation. A positive screening evaluation for odor shall require an odor sample to be taken and evaluated by olfactometry as described in paragraph (3)(C)2. of this rule. These measurements may be made with a Scentometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results *[, as agreed to at the time by the source operator and the staff director];* and

2. When one (1) of the following conditions is met:

A. In concentrations with a best estimate detection threshold, represented as  $Z_{OL} \geq 110$ , as determined using American Society for Testing and Materials Standard *[E 679-91 (Reapproved 1997)] E 679-04 (published April 2004)* at an olfactometer flow rate of twenty (20) liters per minute. **This standard is incorporated by reference in this rule, as published by ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions;** or

B. At intensities greater than that of two hundred twenty-five (225) parts per million of n-butanol odorant in air, which serves as the reference scale, as determined by an olfactometry panel evaluation of a sample of the odorous air.

*AUTHORITY: section 643.050, RSMo 2000. Original rule filed March 14, 1967, effective March 24, 1967. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003, effective Sept. 30, 2003. Amended: Filed Dec. 4, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *A public hearing on this proposed amendment will begin at 9:00 a.m., February 1, 2007. The public hearing will be held at the Lewis and Clark State Office Building, 1101 Riverside Drive, 1st Floor, LaCharrette Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., February 8, 2007. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 100—Petroleum Storage Tank Insurance**  
**Fund Board of Trustees**  
**Chapter 2—Definitions**

**PROPOSED AMENDMENT**

**10 CSR 100-2.010 Definitions.** The board is amending sections (4)–(20).

**PURPOSE:** *The board is proposing these amendments to reflect and incorporate recent changes made by the Department of Natural Resources to its cleanup standards, to define two (2) terms used in the participation document that describes the insurance coverage provided to fund participants, and to correct typographical errors.*

**(4) “Annual aggregate” means the dollar amount of all benefits available to a fund participant for the period of time stated on the declarations page of each participation agreement issued by the board, regardless of how many separate occurrences, releases or third party claims may occur during this same period. State law establishes the annual aggregate at two (2) million dollars.**

**[(4)](5) “Board” means the board of trustees of the Petroleum Storage Tank Insurance Fund, or its employee, designated agent or representative.**

**[(5)](6) “Bodily injury” means physical injury, sickness, disease or damage to the body sustained by a person, including death resulting from any of these at any time. It does not include any loss or damage of an intangible nature, such as pain and suffering, mental distress or loss of use of any benefit. Nor does it mean personal injury.**

**[(6)](7) “Claim” means a written demand for money or services, including the service of a lawsuit, which is filed and adjudicated in a manner consistent with Missouri law.**

**[(7)](8) “Cleanup” consists of all actions necessary to investigate, contain, control, analyze, [treat,] assess, and treat, remediate or [monitor the effects] mitigate the risks of a petroleum release to achieve risk-based standards established by the Department of Natural Resources.**

**(9) “Deductible” means that portion of a covered loss borne by a fund participant for each occurrence before the participant is entitled to recovery from the fund for that occurrence.**

**[(8)](10) “Emergency response” means immediate actions taken to contain a release or eliminate a serious hazard.**

**[(9)](11) “Fund” means the Petroleum Storage Tank Insurance Fund.**

**[(10)](12) “Fund beneficiary” means any person who takes responsibility for cleanup of property where tanks previously were in use, but were taken out of use prior to December 31, 1997, and who qualifies to receive monies from the Petroleum Storage Tank Insurance Fund under section 319.131.9 or 319.131.10, RSMo.**

**[(11)](13) “Fund participant” means an owner or operator of a tank who has applied for and been accepted by the board as a person for whom the Petroleum Storage Tank Insurance Fund is serving as the financial responsibility mechanism required by section 319.114, RSMo, or for whom the Petroleum Storage Tank Insurance Fund is providing insurance coverage for releases from aboveground storage tanks[,]; or the owner of land upon which such a tank is located, if such person is named as an additional insured; or any other person named as an additional insured by the board.**

**[(12)](14) “In use” means the tank contains an accumulation of petroleum which is more than a *de minimus* amount; that is, the tank is not empty.**

**[(13)](15) “Marine terminal” means a large storage facility which receives product via barge or similar conveyance. It does not mean bulk storage facilities located near lakes or rivers, such as are used by petroleum distributors, and which typically receive product via truck.**

**(16) “Occurrence” means any sudden or nonsudden accidental release of petroleum from a tank that results in a covered loss.**

**[(14)](17) “Out of use” means the tank is empty—that is, [is] it does not contain more than a *de minimus* amount of petroleum—and is no longer regularly being [use] used to store petroleum.**

**[(15)](18) “Personal injury” means injury, other than bodily injury, arising out of one (1) or more of the following offenses:**

- (A) False arrest, detention, imprisonment;
- (B) Malicious prosecution;
- (C) Wrongful entry into or eviction of a person from a room, dwelling, premises or property that the person occupies; or
- (D) Invasion of right of private occupancy.

**[(16)](19) “Pipeline terminal” means a large storage facility which receives product via pipeline.**

**[(17)](20) “Property damage” means physical injury to or destruction of tangible property, excluding all resulting loss of use of that property. It does not include loss or damage of an intangible nature. Loss or damage of an intangible nature includes, but is not limited to, loss or interruption of business, pain and suffering, lost income, mental distress, loss of use of any benefit, and punitive damages.**

**[(18)](21) “Railroad corporation” means all corporations, companies or individuals now owning or operating, or which may hereafter own or operate, any railroad in this state.**

**[(19)](22) “Site” means real property held under one (1) deed, except that in exceptional circumstances involving very large tracts of land, the board may, at its discretion, recognize separate portions of a large tract as separate tank sites.**

**[(20)](23) “Tank” means—**

- (A) An underground storage tank, as defined in section 319.100, RSMo, which is used to store petroleum; or

(B) An aboveground storage tank, as defined in this rule.

*AUTHORITY: section 319.129, RSMo [Supp. 2003] Supp. 2005. Original rule filed April 1, 1999, effective Nov. 30, 1999. Amended: Filed March 31, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 3, 2003, effective May 30, 2004. Amended: Filed Sept. 1, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Executive Director of the Petroleum Storage Tank Insurance Fund, PO Box 836, Jefferson City, MO 65102. Statements may also be sent via facsimile to the Executive Director, PSTIF, 573-522-2354. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 100—Petroleum Storage Tank Insurance  
Fund Board of Trustees  
Chapter 4—Participation Requirements**

**PROPOSED AMENDMENT**

**10 CSR 100-4.010 Participation Requirements for Underground Storage Tanks.** The board is amending section (4).

*PURPOSE: This amendment adds more specific language to clarify what benefits are provided to owners and operators of underground storage tanks when they choose to participate in the Petroleum Storage Tank Insurance Fund.*

(4) Upon determination that an applicant has met the requirements for participation in the fund, the board shall issue a document to the applicant confirming that fact, and specifying the effective date of coverage and other terms and conditions of such coverage as the board may deem appropriate.

(B) The document shall confirm that the fund is providing coverage for risks associated with sudden or non-sudden accidental releases arising from the operation of underground storage tanks, including costs of cleaning up such releases, third-party property damage, and third-party bodily injury, subject to the limits specified in sections 319.129 through 319.131, RSMo. **These benefits are subject to the following limits:**

- 1. A per occurrence limit of one (1) million dollars;**
- 2. An annual aggregate limit of two (2) million dollars; and**
- 3. A deductible of ten thousand dollars (\$10,000) per occurrence.**

(C) The document shall include a cover page which identifies the person or persons being insured by the fund, the name and location of the business or operation where the tanks are located, and the specific tanks which are covered. **A separate participation document shall be issued for each site.**

(D) For the purposes of coverage[, ]—as well as cancellation, non-renewal of coverage or termination of coverage discussed elsewhere in this rule[, ]—12:01 a.m. shall be the time of day that such actions become effective.

*AUTHORITY: sections 319.129, 319.131 and 319.133, RSMo Supp. [2003] 2005. Original rule filed April 1, 1999, effective Nov. 30, 1999. Amended: Filed Nov. 15, 2001, effective May 30, 2002. Amended: Filed Nov. 3, 2003, effective May 30, 2004. Amended: Filed Sept. 1, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Executive Director of the Petroleum Storage Tank Insurance Fund, PO Box 836, Jefferson City, MO 65102. Statements may also be sent via facsimile to the Executive Director, PSTIF, 573-522-2354. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 100—Petroleum Storage Tank Insurance  
Fund Board of Trustees  
Chapter 4—Participation Requirements**

**PROPOSED AMENDMENT**

**10 CSR 100-4.020 Participation Requirements for Aboveground Storage Tanks.** The board is amending section (4).

*PURPOSE: This amendment adds more specific language to clarify what benefits are provided to owners and operators of aboveground storage tanks when they choose to participate in the Petroleum Storage Tank Insurance Fund.*

(4) Upon determination that an applicant has met the requirements for participation in the fund, the board shall issue a document to the applicant confirming that fact, and specifying the effective date of coverage and other terms and conditions of such coverage as the board may deem appropriate.

(B) The document shall confirm that the fund is providing financial protection for risks associated with sudden or non-sudden accidental releases arising from the operation of aboveground storage tanks, including costs of cleaning up such releases, third-party property damage, and third-party bodily injury, subject to the limits specified in sections 319.129 through 319.131, RSMo. **These benefits are subject to the following limits:**

- 1. A per occurrence limit of one (1) million dollars;**
- 2. An annual aggregate limit of two (2) million dollars; and**
- 3. A deductible of ten thousand dollars (\$10,000) per occurrence.**

(C) The document shall include a cover page which identifies the person or persons being insured by the fund, the name and location of the business or operation where the tanks are located, and the specific tanks which are covered. **A separate participation document shall be issued for each site.**

*AUTHORITY: sections 319.129, 319.131 and 319.133, RSMo Supp. [2003] 2005. Original rule filed April 1, 1999, effective Nov. 30, 1999. Amended: Filed Nov. 15, 2001, effective May 30, 2002. Amended: Filed Nov. 3, 2003, effective May 30, 2004. Amended: Filed Sept. 1, 2006.*



**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Executive Director of the Petroleum Storage Tank Insurance Fund, PO Box 836, Jefferson City, MO 65102. Statements may also be sent via facsimile to the Executive Director, PSTIF, 573-522-2354. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 100—Petroleum Storage Tank Insurance**  
**Fund Board of Trustees**  
**Chapter 5—Claims**

**PROPOSED AMENDMENT**

**10 CSR 100-5.010 Claims for Cleanup Costs.** The board is amending sections (8)–(10) and (12).

**PURPOSE:** *This amendment changes the board's rules to reflect and incorporate recent changes made by the Department of Natural Resources to its cleanup standards.*

(8) Fund participants and beneficiaries **who desire payments from the fund** are required to seek preapproval of cleanup costs by following the procedures outlined below:

(A) **Tank Removals**—Prior to removal of a petroleum storage tank, or other activity involving excavation of contaminated soil, a fund participant or beneficiary must—

1. Obtain an adequate number of bids or proposals from qualified contractors or consultants to demonstrate that a fair and reasonable price will be paid. The bids or cost estimates must include all tasks and services which may be necessary;

2. Submit the bid(s) or proposal(s) to the board, including:  
 A. A cost estimate for excavation and hauling of contaminated soil, expressed as a unit cost (e.g., per ton or per cubic yard);  
 B. A cost estimate for disposal or treatment of contaminated soil;

C. A cost estimate for backfill, expressed as a unit cost;  
 D. A cost estimate for removal, treatment and/or disposal of contaminated water which may be encountered during the excavation;  
 E. A cost estimate for project management, supervision and reporting;

F. A cost estimate for collection and/or analysis of soil and water samples;

G. A contingency cost estimate, expressed as unit costs, for any additional costs which may be incurred if field conditions warrant or necessitate more work than anticipated; and

H. A cost estimate for any other anticipated cleanup costs;

(B) **Site Characterizations**—Prior to conducting a site characterization which is required in response to a release, a fund participant or beneficiary must—

1. Obtain an adequate number of bids or proposals from qualified contractors or consultants to demonstrate that a fair and reasonable price will be paid. The bids or cost estimates must include all tasks and services which may be necessary; **including collection and documentation of historical and site-specific data which are necessary for risk assessment**; and

2. Submit the bid(s) or proposal(s) to the board, including:

A. A cost estimate for field activities;

B. A cost estimate for laboratory analysis of soil and/or water samples, as appropriate;

C. A cost estimate for project management, oversight, data analysis, reporting, and similar activities, as appropriate;

D. A contingency cost estimate, expressed in unit costs, for additional costs which may be incurred if field data indicates the need for expanded field investigation; and

E. A cost estimate for any other anticipated costs associated with the site characterization;

**(C) Risk Assessments—**

1. Prior to preparing a risk assessment, a fund participant or beneficiary must submit a cost proposal to the board which—

A. Must include an estimate of all consulting time and other costs which may be incurred to conduct the risk assessment and prepare a risk assessment report;

B. May include costs for both a Tier 1 and a Tier 2 assessment; and

C. May include costs for preparation of a corrective action plan;

2. If a Tier 3 risk assessment is desired or required, the fund participant or beneficiary must submit a cost proposal to the board in advance, which must include all work necessary to complete the Tier 3 risk assessment report; and

3. The board may require a fund participant or beneficiary to prepare a Tier 2 or Tier 3 risk assessment before agreeing to pay for preparation or implementation of a corrective action plan;

**[(C)](D) [Prior to conducting corrective action required in response to a release, a fund participant or beneficiary must—]Corrective Action Plans—**

1. *[Obtain an adequate number of bids or proposals from qualified contractors or consultants to demonstrate that a fair and reasonable price will be paid; and] Prior to conducting corrective action in response to a release, a fund participant or beneficiary must—*

*[2. Submit the bid(s) or proposal(s) to the board;]*

A. Compare costs of an adequate number of alternatives for achieving the risk-based cleanup standards, and shall identify the most cost-efficient means to address identified risks. This may include:

(I) Treatment, reduction of concentrations or remediation of chemicals of concern;

(II) Mitigating or eliminating pathways of concern;

(III) Eliminating or preventing receptors; or

(IV) Any combination thereof.

**[(D)]2.** When corrective action includes the purchase and installation of equipment designed to clean up petroleum contamination, the fund participant or beneficiary is required to solicit competitive bids for such equipment **and provide such bids to the board**;

(9) The fund will recognize eligible, reasonable and necessary costs incurred for the following activities:

(A) Costs incurred to characterize the extent of **and assess the risks presented by** petroleum contamination which results from a release from a petroleum storage tank; and

(10) Costs not associated with cleanup of a release from a petroleum storage tank are not eligible. *[Such costs]* **Ineligible costs** include, but are not limited to:

(F) Markup of costs charged by a treatment or disposal facility which is used for disposition of contaminated soil **or water**;

(H) Markup by the environmental consultant or contractor of major subcontracted work *[done as part of a site characterization]*, **or material and equipment furnished by subcontractors, such as drilling, well installation or pushprobe investigation, purchase of backfill, purchase of remediation equipment, etc.;**

(12) When a fund participant or beneficiary incurs costs for cleanup of petroleum contamination, he or she shall comply with the procedures set forth below to request payment from the fund:

(A) Persons requesting payment from the fund must send invoices for the work done, along with a copy of any reports generated by consultants, contractors or laboratories as part of the work, to the address specified by the board.

**1. To the extent possible, invoices shall resemble the format of the cost proposal(s) and shall itemize the same tasks, services, personnel, equipment, etc., as presented in the cost proposal(s).**

[1./2. Such invoices must be submitted within two (2) years of the date that a letter is issued by the Department of Natural Resources to the fund participant or beneficiary, stating that no additional corrective action is required. Failure to submit invoices within that time frame shall waive the fund participant's or beneficiary's rights, and those of their successors and assigns, to any benefits which would have otherwise been paid by the Petroleum Storage Tank Insurance Fund for such costs.

[2./3. Original invoices are requested; if photocopies are submitted, they must be accompanied by a signed statement certifying that the copies are true and accurate;

*AUTHORITY: sections 319.129, 319.131 and 319.132, RSMo Supp. [2001] 2005. Original rule filed April 1, 1999, effective Nov. 30, 1999. Amended: Filed March 31, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 15, 2001, effective May 30, 2002. Amended: Filed Sept. 1, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Executive Director of the Petroleum Storage Tank Insurance Fund, PO Box 836, Jefferson City, MO 65102. Statements may also be sent via facsimile to the Executive Director, PSTIF, 573-522-2354. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## **Title 11—DEPARTMENT OF PUBLIC SAFETY Division 40—Division of Fire Safety Chapter 5—Elevators**

### **PROPOSED AMENDMENT**

**11 CSR 40-5.050 New Installations.** The division is amending section (1).

*PURPOSE: This amendment reflects the adoption of a more recent edition of the ASME standards by the Elevator Safety Board.*

(1) Minimum Standards. All new elevator equipment [installed on or after the effective date of these rules and regulations] shall be constructed and installed in conformity with the standards prescribed in the American Society of Mechanical Engineers, ASME A17.1, [1996] 2004 edition with ASME A17.1a Addenda and ASME A17.1s 2005 supplement with amendments adopted by the board, Safety Code for Elevators and Escalators, A18.1 [1999] 2005 edition, Safety Standards for Platform Lifts and Stairway Chair Lifts, ASME A17.2.1 1996 edition, Inspector's Manual for Electric Elevators, ASME A17.2.2 1997 edition, Inspector's Manual for Hydraulic Elevators, ASME A17.2.3 1998 edi-

tion, Inspector's Manual for Escalators and Moving Walks,] **A17.2 2004 edition Guide for Inspection of Elevators, Escalators, and Moving Walks, American National Standard Institute Safety Code for Manlifts ANSI A90.1, [1998] 2003 edition, American National Standard Institute Safety Code for Personnel Hoist ANSI A10.4, [1990] 2004 edition**, unless as exempted by section 701.359, RSMo.

*AUTHORITY: section 701.355, RSMo 2000. Original rule filed Aug. 26, 1998, effective July 1, 1999. Amended: Filed Aug. 17, 2000, effective Feb. 28, 2001. Amended: Filed Dec. 16, 2002, effective June 30, 2003, Amended: Filed Dec. 4, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## **Title 11—DEPARTMENT OF PUBLIC SAFETY Division 40—Division of Fire Safety Chapter 5—Elevators**

### **PROPOSED AMENDMENT**

**11 CSR 40-5.065 Missouri Minimum Safety Code for Existing Elevator Equipment.** The Division of Fire Safety is amending subsection (1)(G).

*PURPOSE: This amendment reflects the adoption of a more recent edition of the ASME standards by the Elevator Safety Board.*

(1) In a political subdivision or municipality that had adopted an edition of ASME A17.1 code, annual safety inspection and tests shall be performed to the code adopted and enforced at the time the elevator equipment was installed. The following standards apply to all existing elevator equipment installed prior to July 1, 1999 as provided in 11 CSR 40-5.060. Any installation which is in compliance with the latest ASME A17.1 version adopted and amended by the Elevator Safety Board, unless as exempted by 701.359, RSMo shall be considered to be in compliance with 11 CSR 40-5.065.

(G) Maintenance, Repair, and Alterations.

1. All maintenance, **repair and replacement** shall comply with ASME A17.1, [1996 edition,] section [1200] **8.6 2004 edition with 2005 Addenda and 2005s supplement.**

2. All [repairs and] alterations shall comply with ASME A17.1, [1996 edition,] section[1200] **8.7 2004 edition with ASME A17.1A 2005 Addenda and ASME A17.1S 2005 supplement.**

3. All maintenance, repair and alterations to platform lifts and stairway chair lifts [must] shall comply with ASME A18.1 [1999] 2005 edition, *Safety Standard for Platform Lifts and Stairway Chair Lifts.*

*AUTHORITY: section 701.355, RSMo 2000. Original rule filed Aug 26, 1998, effective July 1, 1999. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 4, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities \$5,474,000 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE COST**

**I. RULE NUMBER**

Rule Number and Name:	11CSR40-5.065
Type of Rulemaking:	Proposed Rule Amendment

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
146 single bottom jacks	Building owners that have elevators	\$5,110,000.00
104 escalators	Building owners w/escalators	\$364,000.00

**III. WORKSHEET**

See attached

**IV. ASSUMPTIONS**

See attached



### III. Worksheet

This proposed amendment only applies to escalators and hydraulic elevators. The Department's database currently contains approximately 9450 hydraulic elevators and 695 escalators. Based upon information provided by elevator companies it is estimated that approximately (146) elevators and (104) escalators will be affected by the proposed amendment.

Since the mid 1970's elevator manufacturers discontinued manufacturing hydraulic elevators with single bottom jacks due to revised national code standards which require double bottom jacks. Code revisions were the result of the need to provide increased safety measures. Since the mid 1970's elevator companies have and continue to upgrade hydraulic single bottom jack elevators. Many times these upgrades are the result of a failure of the single bottom jack.

Skirt indexing upgrades on escalators have been and are being conducted by elevator companies due to national code revisions in 2000.

The average cost to replace a single bottom jack is \$35,000 and skirt indexing upgrade is estimated to cost \$3,500.

Single bottom jack replacement –  $(146 \text{ units} \times \$35,000 = \$5,110,000)$

Skirt indexing upgrade –  $(104 \text{ units} \times \$3,500 = \$364,000)$

The following options are available to an owner if replacement of the single bottom jack is not chosen. However, if one of these options is selected and the single bottom jack fails at a later date, the jack would then have to be replaced with a double bottom jack creating additional costs to the owner.

- install elevator car safeties (average cost per unit \$7,000)  
 $146 \times \$7,000 = \$1,022,000$
- install plunger grippers (average cost per unit \$7,000)  
 $146 \times \$7,000 = \$1,022,000$

#### **IV. Assumptions**

For several years elevator companies have been proactive in addressing single bottom jack replacement on hydraulic elevators and skirt indexing upgrades on escalators. To reduce liability exposure, elevator companies who provide maintenance contracts to owners with hydraulic elevators have been and are electing not to renew such contracts unless the owner upgrades to a double bottom jack.

Due to the age of single bottom jacks still in existence, their life expectancy is running short on time. Failure of the jack not only creates a safety risk to a rider(s) but creates an underground environmental hazard due to leakage of hydraulic oil. Financial issues in either situation become more costly to the owner, especially relating to clean up requirements per EPA.

An owner impacted by the proposed amendment will have an option to request a time extension variance from the Elevator Safety Board. On a case by case basis the Board will review information provided by the owner relating to possible financial issues and time frame needed to comply.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 40—Division of Fire Safety  
Chapter 5—Elevators**

**PROPOSED AMENDMENT**

**11 CSR 40-5.070 Accessibility to the Disabled.** The division is amending section (1).

*PURPOSE:* This amendment reflects the adoption of a more recent edition of the ASME standards by the Elevator Safety Board.

*PUBLISHER'S NOTE:* The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) New Installations of Accessible Passenger Elevators and Wheelchair Lifts. *[New installations of accessible passenger elevators and wheelchair lifts shall be installed to meet the requirements of]* In addition to the standards imposed, the board hereby adopts and incorporates herein the American National Standards Institute Standard for Buildings and Facilities Providing Accessibility and Usability for Physically Disabled People, ANSI A117.1 [1998 edition] 2003 edition, Sections [4.10.1 through 4.10.14 and 4.11 latest version] 407, 408, and 410, American Society of Mechanical Engineers (ASME), Three Park Avenue, New York, NY 10016 adopted [and amended] by the Elevator Safety Board. This rule does not include any later amendments or additions.

*AUTHORITY:* section 701.355, RSMo 2000. Original rule filed Aug 26, 1998, effective July 1, 1999. Amended: Filed Dec. 16, 2002, effective June 30, 2003, Amended: Filed Dec. 4, 2006.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to the proposed amendment with the Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 40—Division of Fire Safety  
Chapter 5—Elevators**

**PROPOSED AMENDMENT**

**11 CSR 40-5.080 Alterations.** This division is amending section (1).

*PURPOSE:* This amendment specifically identifies those alterations that require a plan review and acceptance inspection of existing elevators and reflects the adoption of a more recent edition of the ASME

standard by the Elevator Safety Board. This amendment eliminates a number of items that were previously considered to be an alteration.

(1) Minimum Standards. When any alterations are made, all elevator equipment, as a minimum, shall conform to the requirements of *[(Part XIII)]* section 8.7 of the ASME A17.1 2004 edition with 17.1 2005 addendum and 2005 supplement *[of the latest version adopted and]* as amended by the Elevator Safety Board.

(A) Alterations listed below require an alteration permit to be obtained and submission of plans or scope of work for review by the division. The plan review fee is one hundred fifty dollars (\$150) plus twenty-five dollars (\$25) per each floor opening including the bottom floor plus twenty-five dollars (\$25) for the alteration permit fee. An acceptance inspection shall be conducted after completion of the alteration.

<i>Item</i>	<i>Electric</i>	<i>Hydraulic</i>	<i>MW &amp; Esc.</i>
**Alternating current, change to direct current	8.7.2.27.3	8.7.3.31.4	
*Car, increase/decrease in dead weight of	8.7.2.15.2	8.7.3.21	
**Controller	8.7.2.27.4	8.7.3.31.5	
**Direct current, change to alternating current	8.7.2.27.3	8.7.3.31.4	
**Driving machine	8.7.2.25.1	8.7.3.23.1	
*Driving machine, change in location	8.7.2.25.2	8.7.3.23.6	
**Electrically operated control valve		8.7.3.24	
**Freight elevator change to passenger service	8.7.2.16.3	8.7.3.17	
*Increase in rated load	8.7.2.16.4	8.7.3.20	
**Increase in rated speed	8.7.2.17.1	8.7.3.22.2&3	
*Increase in travel	8.7.2.17.1	8.7.3.22.1	
*Operation, change in type of	8.7.2.16.1	8.7.3.17	
**Pressure, working change in		8.7.3.23.4	
*Addition of elevator to existing hoistway	8.7.2.1.2	8.7.2.1.2	
**Car decrease or increase in dead weight of	8.7.2.15.2	8.7.3.21	
*Decrease in travel	8.7.2.17.1	8.7.3.22.1	
*Freight elevator permitted to carry passengers	8.7.2.16.3	8.7.3.19	
*Location of driving machine, change in	8.7.2.25.2	8.7.3.23.4	
*Location of hydraulic jack, change in		8.7.3.23.5	
*Location of hydraulic machine, change in		8.7.3.23.6	
*Relocation of moving walk			8.7.6.2.2
*Relocation of escalator			8.7.6.2.1
*Top of car operating device	8.7.2.27.1	8.7.3.31.1	
* Plans submitted with permit			
** Scope of work submitted with permit			

(B) Alterations listed below only require an alteration permit to be obtained and an acceptance inspection conducted. Alteration permit fee is twenty-five dollars (\$25).

<i>Item</i>	<i>Electric</i>	<i>Hydraulic</i>
*Buffer	8.7.2.23	8.7.3.27
*Car safeties	8.7.2.18	8.7.3.15
**Check valve		8.7.3.24
**Control valve		8.7.3.24
*Counterweight safeties	8.7.2.18	8.7.3.15
*Hydraulic Jack		8.7.3.23
**Door, power operation of	8.7.2.12	8.7.3.10
**Emergency operation (not signaling devices)	8.7.2.28	8.7.3.31.8
**Final terminal stopping device	8.7.2.26	none
**Firefighters service	8.7.2.28	8.7.3.31.8
*Governor	8.7.2.19	8.7.3.16
**Governor rope (not if same type, size and material)	8.7.2.19	8.7.2.16
**Guide rail	8.7.2.24	8.7.3.28
**Hoist-way door, power operation of	8.7.2.12	8.7.3.12
**Normal terminal stopping device	8.7.2.26	8.7.3.30
**Piping supply		8.7.3.24
*Piston		8.7.3.23.2
**Rope, suspension (not if same type, size & material)	8.7.2.21.1	8.7.3.25.1
**Plunger Gripper		8.7.3.23.7
*Operating device	8.7.2.27	8.7.3.31
*Overlay	8.7.2.27.6	8.7.3.31.5
**Sleeving		8.7.3.23.3
*Spring Buffer	8.7.2.27	8.7.3.27
**Wire rope	8.7.2.21	8.7.3.25
**Valve		8.7.3.24
**Brake	8.7.2.25.1	
**Capacity	8.7.2.16	

\* Plans submitted with permit

\*\* Scope submitted with permit



**(C) All other alterations are required to conform to A17.1-2004 with 2005 Addendum and 2005 Supplement section 8.7.**

*AUTHORITY:* section 701.355, RSMo 2000. Original rule filed Aug. 26, 1998, effective July 1, 1999. Amended: Filed Dec. 16, 2002, effective June 30, 2003. Amended: Filed Dec. 4, 2006.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to the proposed amendment with the Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 40—Division of Fire Safety  
Chapter 5—Elevators**

**PROPOSED AMENDMENT**

**11 CSR 40-5.090 Inspection and Testing.** The division is amending section (1).

*PURPOSE:* The purpose of this amendment is to provide clarification of requirements for periodic inspections and tests of elevators.

*PUBLISHER'S NOTE:* The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Minimum Standard. All inspections and testing required by Missouri Statute 701.350–701.380 and these rules and regulations shall be made in accordance with the standards established by these rules and regulations and the American Society of Mechanical Engineers Manuals for Elevators and Escalators, ASME A17.1 April 30, 2004, with A17-1a April 29, 2005 Addenda and 17.1s March 23, 2005 supplement, 17.2 March 20, 2005, and [A17.2.1, A17.2.2,] A18.1 November 29, 2005, American Society of Mechanical Engineers (ASME), Three Park Avenue, New York, NY 10016, [and A17.2.3, latest version] adopted [and amended] by the Elevator Safety Board excluding [routine] periodic inspection requirements of [part 10] Table N-1, six (6)-month interval in ASME A17.1[pertaining to the six (6) month routine inspection only]. The requirements of the six (6)-month periodic inspection is to be performed with the twelve (12)-month periodic inspection. The foregoing standards are incorporated by reference in this rule. This rule does not include any later amendments or additions.

*AUTHORITY:* section 701.355, RSMo 2000. Original rule filed Aug. 26, 1998, effective July 1, 1999. Amended: Filed Aug. 17, 2000, effective Feb. 28, 2001. Amended: Filed June 14, 2004, effective Dec. 30, 2004. Amended: Filed Dec. 4, 2006.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to the proposed amendment with the Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 40—Division of Fire Safety  
Chapter 5—Elevators**

**PROPOSED AMENDMENT**

**11 CSR 40-5.110 Fees and Penalties.** The division is amending subsection (1)(E).

*PURPOSE:* This amendment increases the state operating permit fee to twenty-five dollars (\$25) as authorized by 701.377, RSMo allowing the elevator safety program to remain self-funding without the use of general fund monies. No fee increase has occurred since the program's inception.

(1) New Construction.

(E) State Operating Certificate Fee. The annual state operating certificate fee of [twenty dollars(\$20)] **twenty-five dollars (\$25)** shall be paid directly to the department for each unit of elevator equipment installed within the state regardless of geographic location of the elevator. If fees are not paid to the department within the required amount of time, revocation of operation may be enforced, per 11 CSR 40-5.100.

*AUTHORITY:* section 701.355, RSMo 2000. Original rule filed Aug. 26, 1998, effective July 1, 1999. Amended: Filed Feb. 20, 2003, effective Aug. 30, 2003. Amended: Filed April 27, 2005, effective Nov. 30, 2005. Amended: Filed Dec. 4, 2006.

*PUBLIC COST:* This proposed amendment will cost state agencies or political subdivisions five hundred sixty-five dollars (\$565) in the aggregate.

*PRIVATE COST:* This proposed amendment will cost private entities eighty-three thousand two hundred fifty dollars (\$83,250) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to the proposed amendment with the Division of Fire Safety, PO Box 844, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE  
PUBLIC COST**

**I. RULE NUMBER**

Rule Number and Name:	11CSR40-5.110 Fees and Penalties
Type of Rulemaking:	Proposed Rule Amendment

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
State of Missouri	\$565.00
City and County Government Entities	Unable to determine

**III. WORKSHEET**

The Department has currently identified 18,500 elevator related equipment located in Missouri. Approximately six tenths (6/10) of one (1) percent will be required to comply with the proposed rule amendment. The cost per unit is five (\$5.00) dollars. According to data supplied to the Department from the Office of Administration one hundred thirteen (113) elevator related equipment is owned by the State of Missouri.

$$113 \times \$5.00 = \$565.00$$

There is no way to determine how many elevator related equipment is owned by City & County Government entities.

**IV. ASSUMPTIONS**

Based upon data recieved from the Office of Administration the Division believes 113 elevator relateed equipment owned by the State of Missouri will be required to comply with the proposed amendment.

**FISCAL NOTE  
PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	11CSR40-5.110 Fees and Penalties
Type of Rulemaking:	Proposed Rule Amendment

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
16650	Building owners that have elevators	\$83,250.00

**II. WORKSHEET**

The Department has identified 18,500 elevator related equipment located within Missouri. Approximately 90% (16,650) of these elevator related equipment shall be required to comply with the proposed amendment. The cost per unit is five (\$5.00) dollars.

$$16,650 \times \$5.00 = \$83,250.00$$

**IV. ASSUMPTIONS**

Based upon information in our data base the Department has identified 18,500 elevator related equipment in Missouri. Approximately 90% (16,650) of these elevator related equipment will be required to comply with this proposed amendment.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 13—Hearings**

**PROPOSED AMENDMENT**

**11 CSR 45-13.055 Emergency Order Suspending License Privileges—Expedited Hearing.** The commission is adding subsection (1)(G).

*PURPOSE:* This amendment to 11 CSR 45-13.055 establishes a procedure for immediately suspending the privileges to serve liquor under a license where the public health, safety or welfare is endangered and preservation of the public interest requires such suspension of privileges.

(1) Upon a finding that sufficient facts exist to show that a licensee has violated a provision of section 313.004 to 313.090, RSMo, or sections 313.800 to 313.850, RSMo or any rule promulgated by the commission under 11 CSR 30, et seq. or 11 CSR 45, et seq. as may be amended from time-to-time and that such facts constitute an immediate threat to the public health, safety or welfare, the director may issue an emergency order immediately suspending the privileges under the license that allow the licensee to—

(F) Sell or manufacture bingo supplies[.]; or

(G) Serve, offer for sale, sell or supply intoxicating liquor.

*AUTHORITY:* sections 313.004, 313.052, 313.560 and 313.805, RSMo [1994] 2000 and 313.800, RSMo Supp. 2005. Emergency rule filed July 30, 1999, effective Aug. 9, 1999, expired Feb. 24, 2000. Original rule filed Dec. 17, 1999, effective July 30, 2000. Emergency amendment filed Nov. 30, 2006, effective Dec. 10, 2006, expires June 7, 2007. Amended: Filed Nov. 30, 2006.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for 10:00 a.m. on February 8, 2007, at the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2030—Missouri Board for Architects,  
Professional Engineers, Professional Land Surveyors,  
and Landscape Architects  
Chapter 6—Fees**

**PROPOSED AMENDMENT**

**20 CSR 2030-6.015 Application, Renewal, Reinstatement, Relicensure and Miscellaneous Fees.** The board is proposing to amend subsections (1)(J) and (1)(M).

*PURPOSE:* The State Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects is statutorily

obligated to enforce and administer the provisions of section 327.041, RSMo. Fees are set so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 327, RSMo.

(1) The following fees are established by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects:

(J) 327.391 or 327.392 Application Filing Fee	\$200
(M) Individual Renewal Fee	\$100

**1. For the renewal period between January 1, 2007 and December 31, 2008** **\$ 30**

**2. For the renewal period between January 1, 2008 and December 31, 2009** **\$ 30**

*AUTHORITY:* section 327.041, RSMo Supp. 2005. This rule originally filed as 4 CSR 30-6.015. Emergency rule filed Aug. 12, 1981, effective Aug. 22, 1981, expired Dec. 10, 1981. Original rule filed Aug. 12, 1981, effective Nov. 12, 1981. For interviewing history, please consult the *Code of State Regulations*. Amended: Filed Oct. 16, 2006.

*PUBLIC COST:* This proposed amendment will reduce the State Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects Fund approximately \$1,509,340 during FY08 and FY09. It is anticipated that the costs will occur during FY08 and FY09, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*PRIVATE COST:* This proposed amendment will have a cost savings to private entities approximately \$1,509,340 during FY08 and FY09. It is anticipated that the cost savings will occur during FY08 and FY09, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102 or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.



**PUBLIC ENTITY FISCAL NOTE**

## I. RULE NUMBER

**Title 20 -Department of Insurance, Financial Institutions and Professional Registration  
Division 2030 - State Board of Architects, Professional Engineers, Professional Land  
Surveyors and Landscape Architects  
Chapter 6 - Fees**

**Proposed Amendment - 20 CSR 2030-6.015 Application, Renewal, Reinstatement, Relicensure and Miscellaneous Fees.**

Prepared September 19, 2006 by the Division of Professional Registration

## II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Loss of Revenue
State Board of Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects	\$1,509,340.00

**Total Loss of Revenue  
During FY08 and FY09** **\$1,509,340.00**

### III. WORKSHEET

Based on FY06 actuals the board estimates that approximately 21,562 licensees will be effected by the proposed amendment.

#### IV. ASSUMPTION

1. The State Board of Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects is statutorily obligated to enforce and administer the provisions of sections 327.041, RSMo. Fees are set so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 327, RSMo.

## PRIVATE ENTITY FISCAL NOTE

### I. RULE NUMBER

**Title 20 -Department of Insurance, Financial Institutions and Professional Registration  
Division 2030 - State Board of Architects, Professional Engineers,  
Professional Land Surveyors and Landscape Architects  
Chapter 6 - Fees**

**Proposed Amendment - 20 CSR 2030-6.015 Application, Renewal, Reinstatement, Relicensure and Miscellaneous Fees.**

Prepared September 19, 2006 by the Division of Professional Registration

### II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost savings with compliance of the amendment by affected entities:
21,562	Licensees (Individual Renewal Fee - Cost Savings of \$70.00)	\$1,509,340
	Estimated Cost Savings During FY08 and FY09	\$1,509,340

### III. WORKSHEET

See table above.

### IV. ASSUMPTION

1. Based on FY06 the board estimates that approximately 21,562 licensees will be effected by the proposed amendment.
2. It is anticipated that the total savings will recur during FY08 and FY09, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2115—State Committee of Dietitians  
Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2115-2.010 Application for Licensure/Grandfather Clause/Reciprocity.** The board is proposing to amend sections (1) and (5).

*PURPOSE:* Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. In the September 30, 2006 Code of State Regulations the chapters were re-numbered to implement this transfer. This amendment corrects the reference to 4 CSR within the text of the rule.

(1) Applications for licensure shall be submitted on the forms provided by the committee and may be obtained by writing the committee at 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, MO 65102, by calling (573) 522-3438 or by electronic mail ([E-mail] email) at [diet@mail.state.mo.us.] diet@pr.mo.gov. The TDD number is (800) 735-2966.

(5) In order to file an application for licensure under section 324.210.4, RSMo, the grandfather clause, communication, such as a letter of intention, to apply for licensure pursuant to that provision shall have been postmarked no later than July 1, 2000. To complete the application process for licensure pursuant to section 324.210.4, RSMo, the information outlined in [4 CSR 115-2.020(2)] **20 CSR 2115-2.020** (grandfather clause) shall be submitted to the state committee within one (1) year of the effective date of this rule following the receipt of the letter of intent postmarked by July 1, 2000.

*AUTHORITY:* sections 324.210.4, 324.212, and 324.215, **RSMo Supp. 2005** and 324.228, **RSMo [Supp. 1999] 2000**. This rule originally filed as 4 CSR 115-2.010. Original rule filed March 15, 2000, effective Sept. 30, 2000. Moved to 20 CSR 2115-2.010, effective Aug. 28, 2006. Amended: Filed Nov. 21, 2006.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Committee of Dietitians, Kristi Klamet, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile to (573) 526-3489 or via email at diet@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2115—State Committee of Dietitians  
Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2115-2.050 Duplicate License.** The board is proposing to amend section (2).

*PURPOSE:* Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Effective September 30, 2006 the chapters of the rules were re-numbered in the Code of State Regulations to implement this transfer. This amendment corrects the reference to 4 CSR within the text of the rule.

(2) Requests for duplicate licenses must be in writing and accompanied by the appropriate fee. If a duplicate license reflecting a name change is desired, the current license, required fee and verification of name change pursuant to [4 CSR 115-1.030] **20 CSR 2115-1.030** shall be submitted to the committee office.

*AUTHORITY:* sections 324.212.3, **RSMo Supp. 2005** and 324.228, **RSMo [Supp. 1999] 2000**. This rule originally filed as 4 CSR 115-2.050. Original rule filed March 15, 2000, effective Sept. 30, 2000. Moved to 20 CSR 2115-2.050, effective Aug. 28, 2006. Amended: Filed Nov. 21, 2006.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Committee of Dietitians, Kristi Klamet, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile to (573) 526-3489 or via email at diet@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2210—State Board of Optometry  
Chapter 1—Organization and Description of Board**

**PROPOSED AMENDMENT**

**20 CSR 2210-1.010 General Organization.** The board is amending sections (1), (2), (4), (5), (7) and (8) and deleting the annotations that immediately follow this rule in the Code of State Regulations.

*PURPOSE:* Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. In the September 30, 2006 Code of State Regulations the chapters were re-numbered to implement this transfer. This amendment corrects the reference to 4 CSR within the text of the rule.

(1) Whenever used in [4 CSR 210] **20 CSR 2210**, the word board means the State Board of Optometry.

(2) The State Board of Optometry is a unit of the Division of Professional Registration[, Department of Economic Development] in the Department of Insurance, Financial Institutions and Professional Registration.

(4) The board consists of five (5) licensed doctors of optometry and one (1) public member. The governor appoints the members of the board, with the advice and consent of the senate, from nominees submitted by the director of the *[Department of Economic Development]* **Division of Professional Registration**. The terms of the licensed doctors are five (5) years and the term of the public member is four (4) years.

(5) The board is authorized by section 336.160, RSMo *[(1986)]* to adopt rules for the application and enforcement of Chapter 336, RSMo.

(7) The board *[shall have at least two (2) regularly scheduled meetings each year]* **is required to meet at least once in every six (6) months** and such other meetings as determined by the board. The time and location for each meeting may be obtained by contacting the board's executive director, *[,]* **at P[.JO].]** Box 672, Jefferson City, MO 65102-0672.

(8) Unless otherwise provided by statute or regulation, regular and special meetings of the board shall be governed by *Robert's Rules of Order (Newly Revised 10th Edition)*.

**AUTHORITY:** sections 336.130.4 and 336.140, RSMo 2000 and 536.023.3, RSMo [1994] **Supp. 2005**. This rule originally filed as 4 CSR 210-1.010. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Rescinded and readopted: Filed Oct. 14, 1981, effective Jan. 14, 1982. Amended: Filed Sept. 13, 1995, effective March 30, 1996. Moved to 20 CSR 2210-1.010, effective Aug. 28, 2006. Amended: Filed Nov. 29, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Optometry, Sharlene Rimiller, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 751-8216 or by email at [optometry@pr.mo.gov](mailto:optometry@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2210—State Board of Optometry  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2210-2.011 Licensure by Reciprocity.** The board is adding new language in subsections (1)(E) and (1)(F) and renumbering the remaining subsection.

**PURPOSE:** The amendment will allow the board to conduct background checks.

(1) The board may issue a license to practice optometry by reciprocity and without examination to an individual licensed in another state which the board determines has licensing standards substantially equivalent to the standards in Missouri. The applicant shall provide the following documentation to the board:

(E) Certification from each state in which s/he is currently licensed verifying that the applicant is in good standing and has never had his/her license to practice in that state disciplined in any manner and that the applicant is not the subject of any pending complaints; *[and]*

(F) **Proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor; and**

*[(F)]*(G) Such additional information as the board may request to determine eligibility for licensure by reciprocity.

**AUTHORITY:** sections 336.090 and 336.160.1, RSMo 2000. This rule originally filed as 4 CSR 210-2.011. Original rule filed Oct. 14, 1981, effective Jan. 14, 1982. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Nov. 29, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will cost private entities approximately one hundred fifty-three dollars (\$153) annually for the life of the rule with a continuous annual increase of fifty dollars and ninety-five cents (\$50.95). It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Optometry, Sharlene Rimiller, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing (573) 751-8216 or via email at [optometry@pr.mo.gov](mailto:optometry@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.



**PRIVATE ENTITY FISCAL NOTE****I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2210 - State Board of Optometry****Chapter 2 - General Rules****Proposed Amendment - 20 CSR 2210-2.011 Licensure by Reciprocity**

Prepared September 26, 2006 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the amendment by affected entities:
3	Applicants (fingerprinting fees - \$50.95)	\$153
<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>		<b>\$153 with a continuous annual increase of \$50.95</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. Based on FY05 actuals, the board anticipates 3 applicants will be required to pay \$50.95 to the Identix system to have their fingerprints electronically processed. The board anticipates all applicants will use the electronic processing option. However, should an applicant choose to submit paper fingerprinting directly to the board for processing with the Missouri State Highway Patrol, applicants will be required to submit \$38.00 for such processing.
2. The board anticipates a 1% increase in the number of applicants affected by this amendment annually.
3. The fingerprinting processing fee is a pass through fee that does not effect the board's fund. The board estimates the Missouri Highway Patrol will receive the estimated \$153 annually with a continuous annual increase of \$50.95 for the life of the rule.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2210—State Board of Optometry  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2210-2.020 Licensure by Examination.** The board is proposing to amend sections (3) and (5).

*PURPOSE: The amendment will allow the board to conduct background checks. Additionally, pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. In the September 30, 2006 Code of State Regulations the chapters were re-numbered to implement this transfer. This amendment corrects the reference to 4 CSR within the text of the rule.*

(3) All applicants must pay the application and licensing fees and submit proof of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor.

(5) In addition to the above requirements, all applicants for a certificate of registration must be certified by the board as qualified to use diagnostic pharmaceutical agents and therapeutic pharmaceutical agents in accordance with the guidelines stated in [4 CSR 210-2.080 and 4 CSR 210-2.081] **20 CSR 2210-2.080**.

*AUTHORITY: sections 336.050, 336.160.1, and 336.220.1, RSMo 2000. This rule originally filed as 4 CSR 210-2.020. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For interviewing history, please consult the Code of State Regulations. Amended: Filed Nov. 29, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities approximately three thousand six hundred sixty-eight dollars (\$3,668) annually for the life of the rule with a continuous annual increase of fifty dollars and ninety-five cents (\$50.95). It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Optometry, Sharlene Rimiller, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing (573) 751-8216 or via email at [optometry@pr.mo.gov](mailto:optometry@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**PRIVATE ENTITY FISCAL NOTE****I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2210 - State Board of Optometry****Chapter 2 - General Rules****Proposed Amendment - 20 CSR 2210-2.020 Licensure by Examination**

Prepared September 26, 2006 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the amendment by affected entities:
72	Applicants (fingerprinting fees - \$50.95)	\$3,668
<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>		<b>\$3,668 with a continuous annual increase of \$50.95</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. Based on FY05 actuals, the board anticipates 3 applicants will be required to pay \$50.95 to the Identix system to have their fingerprints electronically processed. The board anticipates all applicants will use the electronic processing option. However, should an applicant choose to submit paper fingerprinting directly to the board for processing with the Missouri State Highway Patrol, applicants will be required to submit \$38.00 for such processing.
2. The board anticipates a 1% increase in the number of applicants affected by this amendment annually.
3. The fingerprinting processing fee is a pass through fee that does not effect the board's fund. The board estimates the Missouri Highway Patrol will receive the estimated \$3,668 annually with a continuous annual increase of \$50.95 for the life of the rule.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2210—State Board of Optometry  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2210-2.070 Fees.** The board is proposing to add subsection (1)(O).

*PURPOSE:* This amendment allows the board to conduct background checks.

(1) The following fees are established by the State Board of Optometry:

**(O) Fingerprinting Fee (amount determined by the Missouri State Highway Patrol)**

*AUTHORITY:* sections 336.140 and 336.160, RSMo 2000. This rule originally filed as 4 CSR 210-2.070. Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 11, 1981. Original rule filed June 30, 1981, effective Oct. 12, 1981. For interviewing history, please consult the *Code of State Regulations*. Amended: Filed Nov. 29, 2006.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Optometry, Sharlene Rimiller, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing (573) 751-8216 or via email at [optometry@pr.mo.gov](mailto:optometry@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 1—Organization and Description of Commission**

**PROPOSED AMENDMENT**

**20 CSR 2245-1.010 General Organization.** The commission is proposing to amend sections (1), (2) and (5) and add section (7).

*PURPOSE:* Pursuant to Executive Order 06-04 the title of the department is being amended. This amendment also corrects the commission's address and phone number and adds section (7) which was previously included in 20 CSR 2245-5.020.

(1) The Missouri Real Estate Appraisers Commission, an agency of the Division of Professional Registration of the Department of [Economic Development, created by section 339.507, RSMo] Insurance, Financial Institutions and Professional Registration, is responsible for the examination, licensing and regulation of persons who engage in real estate appraisal business as set out in sections 339.500–339.547, RSMo.

(2) The commission consists of seven (7) members who, except one (1) voting public member, *[must]* shall have had at least five (5) years of experience as a real estate appraiser. The members are appointed by the governor with the advice and consent of the senate. Each member is appointed to a term of three (3) years and one (1) of the members acts as chairman as appointed by the governor.

(5) Requests for general information, applications for examination and for certificates or licenses, complaint forms or copies of regulations may be directed to the Missouri Real Estate Appraisers Commission, P.O. Box [202] 1335, Jefferson City, MO 65102, telephone [(314)] (573) 751-0038.

(7) The commission shall transmit to the Appraisal Subcommittee, at least monthly, a roster listing individuals who have received a state certificate or license and are eligible to perform appraisals in federally-related transactions. The commission shall transmit to the Federal Financial Institutions Examination Council (FFIEC) a monthly registry fee as determined by the Appraisal Subcommittee for those individuals who are listed on the roster provided to the Appraisal Subcommittee. The registry fee is included in the fees in section 20 CSR 2245-5.020(2).

*AUTHORITY:* sections 339.507 and 339.509, RSMo [Supp. 1990] 2000. This rule originally filed as 4 CSR 245-1.010. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Amended: Filed Aug. 14, 1991, effective Jan. 13, 1992. Moved to 20 CSR 2245-1.010, effective Aug. 28, 2006. Amended: Filed Nov. 21, 2006.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Appraisers Commission, 3605 Missouri Blvd., PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 1—Organization and Description of Commission**

**PROPOSED RESCISSION**

**20 CSR 2245-1.020 Commission Compensation.** This rule fixed the compensation for the members of the Missouri Real Estate Appraisers Commission in compliance with the mandates of section 339.507, RSMo.

*PURPOSE:* This rule is being rescinded because board member compensation and reimbursement is established by statute, therefore, rule language is not necessary.

*AUTHORITY:* sections 339.507 and 339.509, RSMo Supp. 1990. This rule originally filed as 4 CSR 245-1.020. Emergency rule filed



*Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Moved to 20 CSR 2245-1.020, effective Aug. 28, 2006. Rescinded: Filed Nov. 21, 2006.*

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2245-2.020 Commission Action.** The commission is proposing to add new language in section (4).

**PURPOSE:** The proposed amendment allows the commission to investigate anonymous complaints.

**(4) The commission may investigate anonymous complaints that state specific information sufficient to identify the appraisal at issue.**

**AUTHORITY:** section 339.509, RSMo [Cum. Supp. 1990] 2000. This rule originally filed as 4 CSR 245-2.020. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Amended: Filed Sept. 2, 1993, effective April 9, 1994. Moved to 20 CSR 2245-2.020, effective Aug. 28, 2006. Amended: Filed Nov. 21, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 2—General Rules**

**PROPOSED RESCISSION**

**20 CSR 2245-2.040 Appraiser's Seal.** This rule required the use of a seal.

**PURPOSE:** With the advancement of technology (digital signature, etc.) requiring the use of seal is burdensome on licensed and certified appraisers, therefore, the rule is being rescinded.

**AUTHORITY:** section 339.509, RSMo Supp. 1990. This rule originally filed as 4 CSR 245-2.040. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Amended: Filed July 21, 1992, effective April 8, 1993. Moved to 20 CSR 2245-2.040, effective Aug. 28, 2006. Rescinded: Filed Nov. 21, 2006.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2245-2.050 Appraiser's Assignment Log.** The commission is proposing to amend section (1).

**PURPOSE:** The proposed amendment clarifies what must be contained in appraiser's assignment log.

(1) Every licensee shall maintain a summarized listing of the real estate appraisal assignments which the licensee is required to retain under section 339.537, RSMo. This summarized listing shall include, at a minimum, the following information:

- (A) Date [of] the appraisal **report is signed**;
- (B) Location [/identification] **or address** of the property appraised;
- (E) Property type; [and/
- (F) Appraised value[.]; **and**
- (G) **Type of form used, if any.**

**AUTHORITY:** section 339.509, RSMo [1994] 2000. This rule originally filed as 4 CSR 245-2.050. Original rule filed Sept. 12, 1996,

effective March 30, 1997. Moved to 20 CSR 2245-2.050, effective Aug. 28, 2006. Amended: Filed Nov. 21, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 3—Applications for Certification and Licensure**

**PROPOSED RULE**

**20 CSR 2245-3.005 Trainee Real Estate Appraiser Registration**

**PURPOSE:** This rule prescribes the process for an individual to register as a trainee real estate appraiser and the rules governing the practice of real estate appraising by a trainee real estate appraiser.

**PUBLISHER'S NOTE:** The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) For purposes of this rule, "registrant" shall mean a "trainee real estate appraiser" and "registration" shall mean the registration with the commission of a "trainee real estate appraiser."

(2) A person may apply for a registration by submitting the following to the commission:

(A) An application on a form prescribed by the commission, including, but not limited to, the name and license number of each certified appraiser under which the registrant will provide appraisal services;

(B) An affidavit signed by each supervising appraiser acknowledging the supervisory relationship on a form prescribed by the commission;

(C) Verification of completion of the core curriculum educational requirements set forth in 20 CSR 2245-6.015(2)(D); and

(D) The prescribed fee.

(3) There is no examination requirement for the registration other than as is required to earn credit for completion of the prerequisite educational courses set forth in 20 CSR 2245-6.015(2)(D).

(4) No real estate appraisal experience is required as a prerequisite for registration.

(5) Training.

(A) The registrant shall be subject to direct supervision by a super-

vising appraiser(s) in good standing, who shall be state-certified.

(B) The supervising appraiser(s) shall be responsible for the training, guidance, and direct supervision of the registrant by:

1. Accepting responsibility for the appraisal report by signing and certifying that the report complies with the *Uniform Standards of Professional Appraisal Practice* (USPAP). The USPAP, 2006 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street, NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722 or at [www.appraisalfoundation.org](http://www.appraisalfoundation.org). This rule does not incorporate any subsequent amendments or additions to the USPAP;

2. Reviewing and signing the appraisal report(s) for which the registrant has provided appraisal services; and

3. Personally inspecting each appraised property with the registrant until the supervising appraiser determines the registrant trainee is competent, in accordance with the competency rule of USPAP.

(C) The registrant is permitted to have more than one (1) supervising appraiser, but a supervising appraiser may not supervise more than three (3) registrants at one (1) time.

(D) The registrant and a supervising appraiser shall notify the commission of a newly created supervisory relationship and submit an affidavit from the supervising appraiser acknowledging the supervisory relationship prior to the registrant performing appraisal services under the supervising appraiser. A registrant shall not receive credit for appraisal experience under a certified appraiser unless the registrant has first notified the commission of the certified appraiser's name and license number. Within ten (10) days of the termination of a supervisory relationship, the registrant and the supervising appraiser shall notify the commission that the supervisory relationship has been terminated.

(E) The registrant and each supervising appraiser shall maintain an appraisal log. This appraisal log may be maintained jointly, but each shall be individually responsible to assure the completion and availability of the appraisal log regardless of the agreement or practice of the registrant and the supervising appraiser regarding its maintenance. Separate appraisal logs shall be maintained for each supervising appraiser. The registrant and the supervising appraiser shall provide a copy of the appraisal log to the commission upon request. At a minimum, the appraisal log shall include the information required by 20 CSR 2245-2.050 and the following:

1. Description of work performed by the trainee and scope of the review and supervision of the supervising appraiser;

2. Number of actual work hours by the trainee on the assignment; and

3. The name and state certification number of the supervising appraiser.

(F) The Missouri certification of the supervising appraiser shall be in good standing and not subject to revocation or suspension within the last two (2) years. "Subject to revocation or suspension within the last two (2) years" shall mean that any term of revocation or suspension shall be terminated more than two (2) years prior to a licensee serving as supervising appraiser. Anyone subject to probation cannot supervise trainees during the probationary period, unless otherwise ordered by the commission.

(G) A non-licensee will be given credit for appraisal experience accrued prior to July 1, 2008, and which was accrued without the non-licensee having been registered as a trainee real estate appraiser until June 30, 2010. After June 30, 2010, all appraisal experience credit earned by a non-licensee prior to being registered as a trainee real estate appraiser shall be forfeited. For the purpose of this rule, "non-licensee" shall mean any person who is not state licensed or certified.

(6) Continuing Education. An appraiser trainee who remains in this classification in excess of two (2) years shall be required in the third and successive years to obtain:

(A) The equivalent of fourteen (14) classroom hours of instruction in continuing education courses or seminars approved by the commission for each year during the period preceeding the renewal; and

(B) Appraiser trainees shall successfully complete the seven (7) hours National USPAP Update Course, or its equivalent, at a minimum of every two (2) years. Equivalency shall be determined through the Appraisers Qualifications Board (AQB) Course Approval Program or by an alternate method established by the AQB.

*AUTHORITY: section 339.509(8), RSMo 2000. Original rule filed Nov. 21, 2006.*

*PUBLIC COST: This proposed rule will cost state agencies an increase of approximately twenty thousand twenty dollars and forty-eight cents (\$20,020.48) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will cost private entities an increase of approximately twenty-two thousand seven hundred twenty-two dollars (\$22,722) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**PUBLIC ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**

**Division 2245 - Real Estate Appraisers**

**Chapter 3 - Applications for Certification and Licensure**

**Proposed Rule - 20 CSR 2245-3.005 Trainee Real Estate Appraiser**

Prepared September 27, 2006 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Annual Increase of Revenue
Real Estate Appraisers	\$20,020.48
<b>Total Annual Increase of Revenue for the Life of the Rule</b>	
	\$20,020.48

**III. WORKSHEET**

**Increase of Revenue**

The board anticipates 300 applicants will apply for trainee real estate appraiser registration annually. The cost of the application is \$75, therefore, the commission anticipates an increase of revenue totaling \$22,500 annually for the life of the rule.

**Total Increase of Revenue**      **\$22,500**

**Personal Service Costs**

The Licensing Technician II will process the applications, verify education and supervisor eligibility, enter information into the division's licensing system and issue and mail the license.

Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Licensing Technician II	\$23,910	\$35,599.60	\$17.12	\$0.29	20 minutes	\$5.71	\$1,711.52

**Total Personal Service Costs**      **\$1,711.52**

**Expense and Equipment Dollars for Initial Applications**

Application Printing	\$0.80
Letterhead Printing	\$0.15
Application Envelope	\$0.16
Application Postage	\$1.03
Printing of Registration	\$0.05
Registration Postage	\$0.37
<b>Total Expense and Equipment Cost</b>	<b>\$2.56</b>

**Total Expense and Equipment Costs**      **\$768.00**

**IV. ASSUMPTION**

1. Based on FY06 actuals and FY07 and FY08 projections, the commission estimates approximately 300 applications will apply for trainee real estate appraiser registration annually.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.



**PRIVATE ENTITY FISCAL NOTE****I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2245 - Real Estate Appraisers****Chapter 3 - Applications for Certification and Licensure****Proposed Rule - 20 CSR 2245-3.005 Trainee Real Estate Appraiser**

Prepared September 27, 2006 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
300	Applicants (Trainee Real Estate Appraiser - \$75)	\$22,500.00
300	Applicants (postage @ \$.74)	\$222.00
	<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>	<b>\$22,722.00</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. Based on FY06 actuals and FY07 and FY08 projections, the board estimates approximately 300 trainee real estate appraiser applicants will apply for registration annually.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of sections 339.500-339.549, RSMo. Pursuant to Section 326.513, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 339.500-339.549, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 339.500-339.549, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 3—Applications for Certification and Licensure**

**PROPOSED AMENDMENT**

**20 CSR 2245-3.010 Applications for Certification and Licensure.**  
The commission is proposing to amend sections (2) and (5), amend and renumber the remaining sections, and add a new section (8).

*PURPOSE: This amendment requires all original applicants to submit documentation of a criminal background check; clarifies what is considered satisfactory appraisal experience for each level of certification or licensure; and effective January 1, 2008, creates an additional option for obtaining satisfactory appraisal experience.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(2) All applications for certification, licensure, renewal and examination shall be made on forms provided by the commission and completed and signed by the applicant, with the signature acknowledged before a notary public. **All original applications shall include proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor.** All applications shall include the appropriate fees as established pursuant to 20 CSR 2245-5.020 and physical work and home addresses for the applicant. The commission will not consider an application which is incomplete or with which the correct fees have not been submitted.

**(5) Prerequisite for Certification.**

**(A) State-Certified General Real Estate Appraiser.**

1. As a prerequisite for certification as a state-certified general real estate appraiser, an applicant shall present satisfactory evidence to the commission that the applicant possesses three thousand (3,000) hours of appraisal experience obtained continuously over a period of not less than thirty (30) months. **The applicant must have at least fifty percent (50%) of the required experience hours in the state of Missouri.** Hours may be treated as cumulative in order to achieve the necessary three thousand (3,000) hours of appraisal experience, and there are no limitations on the number of hours which may be awarded in any year. The applicant, for experience credit, *[must]* shall have accumulated a total of three thousand (3,000) hours of appraisal experience of which at least fifty percent (50%) (one thousand five hundred (1,500) hours) *[must]* shall be in non-residential appraisal work **and under the supervision of a state-certified general real estate appraiser. [Resident is defined as one to four (1-4) residential units.]**

**(B) State-Certified Residential Appraiser.**

1. The prerequisite for certification as a state-certified residential appraiser shall be two thousand five hundred (2,500) hours of appraisal experience obtained continuously over a period of not less than twenty-four (24) months **under the supervision of a state-certified real estate appraiser. The applicant must have at least fifty percent (50%) of the required experience hours in the state of**

Missouri. Hours may be treated as cumulative in order to achieve the necessary two thousand five hundred (2,500) hours of appraisal experience and there is no limitation on the number of hours[,] which may be awarded in any year. Each applicant for certification shall furnish, under oath, a detailed listing of the real estate appraisal reports or file memoranda for each year for which experience is claimed by the applicant. Upon request, the applicant shall make available to the commission a sample of appraisal reports which the applicant has prepared in the course of the applicant's appraisal practice. For the purposes of this section, "prepared" means the participation in any function of the real estate appraisal report. **Education may not be substituted for experience except as allowed in section (8) of this rule. All experience shall have been obtained after January 30, 1989, and shall be Uniform Standards of Professional Appraisal Practice (USPAP) compliant. The USPAP, 2006 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722 or at [www.appraisalfoundation.org](http://www.appraisalfoundation.org). This rule does not incorporate any subsequent amendments or additions to the USPAP.** Acceptable appraisal experience as defined by the Appraiser Qualifications Board (AQB) includes, but is not limited to, the following (this should not be construed as limiting credit to only those individuals who are state-certified or state-licensed):

- [(A)]* A. Fee and staff appraisal;
- [(B)]* B. *Ad valorem* tax appraisal;
- [(C)]* C. Technical review appraisal;
- [(D)]* D. Appraisal analysis;
- [(E)]* E. Real estate consulting;
- [(F)]* F. Highest and best use analysis;
- [(G)]* G. Feasibility analysis/study; and
- [(H)]* H. Condemnation appraisal.

***[(6)](C) State-Licensed Real Estate Appraiser.***

1. As a prerequisite for licensure as a state-licensed real estate appraiser, an applicant shall present satisfactory evidence to the commission that the applicant possesses the equivalent of two thousand (2,000) hours of appraisal experience **obtained over a period of not less than twelve (12) months under the supervision of a state-certified real estate appraiser and supported by adequate written reports or file memoranda. The applicant must have at least fifty percent (50%) of the required experience hours in the state of Missouri.** Hours may be treated as cumulative in order to achieve the necessary two thousand (2,000) hours of appraisal experience.

**(D) All Applicants.**

1. Each applicant for licensure shall furnish, under oath, a summarized listing of the real estate appraisal reports or file memoranda for each year for which experience is claimed by the applicant. Upon request, the applicant shall make available to the commission a sample of the appraisal reports *[which]* that the applicant has prepared in the course of the applicant's appraisal practice. For the purposes of this section, "prepared" means the participation in any functions of the real estate appraisal report.

2. **Education may not be substituted for experience except as allowed in section (8) of this rule. All experience shall have been obtained after January 30, 1989, and shall be USPAP compliant.** Acceptable appraisal experience as defined by the *[Appraiser Qualifications Board]* AQB includes, but is not limited to, the following (this should not be construed as limiting credit to only those individuals who are state-certified or state-licensed):

- [(A)]* A. Fee and staff appraisal;
- [(B)]* B. *Ad valorem* tax appraisal;
- [(C)]* C. Technical review appraisal;
- [(D)]* D. Appraisal analysis;
- [(E)]* E. Real estate consulting;
- [(F)]* F. Highest and best use analysis;
- [(G)]* G. Feasibility analysis/study; and
- [(H)]* H. Condemnation appraisal.

[(7)](6) Maximum number of hours that shall be awarded for various types of appraisal and other experience is as follows with exceptions noted in subsection [(7)](6)(M):

(A) R1=single family, condo., or similar*	10 hrs
(B) R2=2, 3, or 4 unit family dwellings	15 hrs
(C) R3=vacant residential sites (up to 40 acres)	5 hrs
(D) G1=apartments 5-12 units	20 hrs
(E) G2=apartments 13 and more units	35 hrs
(F) G3=vacant land (other than single family)**	10 hrs
(G) G4=industrial	35 hrs
(H) G5=office space	35 hrs
(I) G6=retail space	35 hrs
(J) G7=special use property (provide explanation)	35 hrs
(K) G8=operating or special use agriculture***	35 hrs
(L) G9=other (provide detailed explanation)	

\*1. Includes homes on acreage, hobby farms, etc.

\*\*2. Includes non-crop acreage, commercial land, etc.

\*\*\*3. If operating, primary income *[must]* shall come from property. Some explanation relating to type of use should be provided.

(M) Additional Hours May be Credited for Appraisals. Experience hours listed in subsection [(7)](6)(A) through (L) are considered typical. If an applicant feels more hours should be awarded for an appraisal, s/he *[must]* shall list the hours requested and attach a written justification to the appraisal log. The commission will consider the additional hours based upon the applicant justification statement and may request a *[photo]*copy of the appraisal(s) to assist in the decision. Experience credit will be awarded on time spent in the development of the appraisal and preparation of the report. Travel and clerical time will not be considered.

[(8)](7) Include the signature of the individual responsible for the analysis, opinions and conclusions contained in the report. The applicant seeking experience credit shall have signed the report or shall be listed in the report as an individual who provided a significant contribution. An affidavit of significant contribution shall be considered by the commission if it is signed by the appraiser who signed the report or by an official of the organization, government, firm or other entity who was responsible for causing the appraisal to be prepared.

(8) Effective January 1, 2008, there need not be a client in order for an appraisal to qualify for experience, but experience gained for work without a client cannot exceed fifty percent (50%) of the total experience requirement. Case study or practicum courses that are approved by the AQB course approval program or by an alternate method established by the AQB, can satisfy the non-client experience requirement. A case study or practicum course shall include the generally applicable methods of appraisal practice for the credential category. A real estate appraisal assignment from a case study or practicum course shall require actual problem solving skills for a variety of property types for the credential category. Credit shall be granted for a maximum of thirty (30) classroom hours of instruction and a maximum of ninety (90) hours of experience credit per course. Content of case study or practicum courses shall include, but not be limited to:

(A) Requiring the student to produce credible appraisals that utilize an actual subject property;

(B) Performing actual market research containing actual sales analysis; and

(C) Applying and reporting the applicable appraisal approaches in conformity with USPAP.

*AUTHORITY: sections 339.509, RSMo 2000, and 339.515 and 339.517, RSMo [Supp. 1998] Supp. 2005. This rule originally filed as 4 CSR 245-3.010. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For inter-*

*vening history, please consult the Code of State Regulations. Amended: Filed Nov. 21, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: The proposed amendment will cost private entities approximately twenty-six thousand seven hundred forty-nine dollars (\$26,749) during FY06; approximately thirty thousand five hundred seventy dollars (\$30,570) during FY07; and fifteen thousand two hundred eighty-five dollars (\$15,285) annually thereafter for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## PRIVATE ENTITY FISCAL NOTE

### I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**

**Division 2245 - Real Estate Appraisers**

**Chapter 3 - Applications for Certification and Licensure**

**Proposed Rule - 20 CSR 2245-3.010 Applications for Certification and Licensure**

Prepared September 27, 2006 by the Division of Professional Registration

### II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the amendment by affected entities:
525	FY06 Applicants (fingerprinting fees - \$50.95)	\$26,749
600	FY07 Applicants (fingerprinting fees - \$50.95)	\$30,570
300	FY08 and annually thereafter Applicants (fingerprinting fees - \$50.95)	\$15,285
<b>Estimated Annual Cost</b>		
<b>FY06</b>		<b>\$26,749</b>
<b>FY07</b>		<b>\$30,570</b>
<b>FY08 and annually thereafter</b>		<b>\$15,285</b>

### III. WORKSHEET

See table above.

### IV. ASSUMPTION

1. It is estimated that 525 applicants will apply in FY06, 600 applicants will apply in FY07 and, approximately 300 applicants will apply in FY08. Applicants will be required to pay \$50.95 to the Itentix system to have their fingerprints electronically processed annually. It is anticipated that all applicants will use the electronic processing option. However, should an applicant choose to submit paper fingerprinting directly to the board for processing with the Missouri State Highway Patrol, applicants will be required to submit the appropriate fee for such processing.
2. The fingerprinting processing fee is a pass through fee that does not effect the board's fund. The board estimates the Missouri Highway Patrol will receive the estimated \$26,749 in FY06; \$30,570 in FY07; and \$15,285 annually thereafter for the life of the rule.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.



**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 3—Applications for Certification and Licensure**

**PROPOSED AMENDMENT**

**20 CSR 2245-3.020 Certification and Licensure Examinations.** The commission is proposing to amend sections (4)–(6) and remove the forms following the rule from the *Code of State Regulations*.

*PURPOSE:* This amendment will allow the commission to waive the six (6)-month requirement for an applicant to wait after failing an examination for the third time.

(4) Every certification and licensure application *[must]* shall be accompanied by proof acceptable to the commission that the applicant successfully has completed the prescribed courses in a school approved by the commission.

(5) No applicant shall be permitted to take any memoranda, pamphlet, book or paper into an examination room and otherwise shall be subject to the rules imposed by the administrator of the examination. If any applicant *[shall]* gives or receives any assistance while taking an examination or copy any part of any examination paper, this act shall be reason to deny issuance of a certificate or license to the applicant(s) involved.

(6) Any applicant for certification and licensure who fails an examination for the third time shall wait at least six (6) months prior to taking an examination for the fourth time and an additional six (6) months for each subsequently failed examination **unless otherwise authorized by the commission.**

*AUTHORITY:* sections 339.509, **RSMo 2000** and 339.515 and 339.517, **RSMo Supp. [1990] 2005**. This rule originally filed as 4 CSR 245-3.020. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Amended: Filed July 21, 1992, effective April 8, 1993. Moved to 20 CSR 2245-3.020, effective Aug. 28, 2006. Amended: Filed Nov. 21, 2006.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 4—Certificates and Licenses**

**PROPOSED AMENDMENT**

**20 CSR 2245-4.040 Individual License; Business Name; Pocket Card.** The commission is proposing to amend section (1).

*PURPOSE:* This amendment corrects a reference for compliance when making a change in a business name. Additionally, pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. In the September 30, 2006 *Code of State Regulations* the chapters were re-numbered to implement this transfer. This amendment corrects the reference to 4 CSR within the text of the rule.

(1) A licensee shall not conduct his/her business under any other name or at any other address than the one for which his/her individual certificate or license is issued unless s/he first complies with [4 CSR 245-4.020] **20 CSR 2245-4.020**. If a licensee changes his/her name or business address, s/he shall notify the commission in writing within thirty (30) days after the change becomes effective.

*AUTHORITY:* sections 339.509 and 339.529, **RSMo [Supp. 1990] 2000**. This rule originally filed as 4 CSR 245-4.040. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Moved to 20 CSR 2245-4.040, effective Aug. 28, 2006. Amended: Filed Nov. 21, 2006.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 4—Certificates and Licenses**

**PROPOSED AMENDMENT**

**20 CSR 2245-4.050 Nonresident Certification or Licensure; Reciprocity.** The commission is proposing to amend sections (2) and (4).

*PURPOSE:* The amendment is to ensure that nonresident applicants who are not certified or licensed in their state of domicile have some real estate appraisal experience in the state of Missouri.

(2) The commission may issue a certificate or license to an individual who is certified or licensed in his/her state of domicile, provided the commission is furnished verification that the appraiser is in good standing with his/her state of domicile and any other state that he/she has held licensure or certification. An individual applicant for a certificate or license who is not certified or licensed in his/her state of domicile may be granted a certificate or license **as long as the**

**applicant has at least fifty percent (50%) of the required experience hours in the state of Missouri and** upon meeting all other requirements of a resident for that certificate or license.

(4) The commission may exempt the examination, application process, application and/or fees, as prescribed by the certification or licensure law a nonresident individual duly certified or licensed in any other state under the laws of which a similar exemption is extended to licensees of Missouri, provided a written agreement for reciprocal certification or licensure exists between the licensing authorities of the states involved. A nonresident applicant may petition the commission to waive the examination when a written agreement for reciprocal certification or licensure does not exist between Missouri and the nonresident's state of domicile. A nonresident applicant *[must]* **shall** provide the commission with a letter from the licensing authority of his/her state of domicile indicating that the nonresident applicant successfully passed an examination approved by the Appraisal Qualifications Board of the Appraisal Foundation.

*AUTHORITY: sections 339.509, [and] 339.523[, RSMo Supp. 1998,] and 339.521, RSMo [1994] 2000. This rule originally filed as 4 CSR 245-4.050. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 21, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 4—Certificates and Licenses**

**PROPOSED AMENDMENT**

**20 CSR 2245-4.060 Temporary Nonresident Certificate or License.** The commission is proposing to amend sections (1) and (2).

*PURPOSE: This amendment will allow temporary permits to request an extension of time at no charge. Additionally, pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. In the September 30, 2006 Code of State Regulations the chapters were re-numbered to implement this transfer. This amendment corrects the reference to 4 CSR within the text of the rule.*

(1) A nonresident applicant, who is certified or licensed and in good standing under the laws of another state, may obtain a Missouri temporary appraiser certification or license for a maximum of six (6) months for the purpose of completing a particular appraisal assign-

ment. To obtain a temporary certification or license, the applicant shall make application on a form prescribed by the commission requesting the specific term of the certificate up to six (6) months, setting forth the particular assignment for which the temporary certificate or license is requested, and paying the prescribed fees as outlined in *[4 CSR 245-5.020] 20 CSR 2245-5.020*. The commission may grant an extension **for an additional three (3) months, at no charge**, if made in writing and for just cause.

(2) The commission may refuse to issue a certificate or license for one (1) or any combination of causes set forth in section 339.532, RSMo. The scope of the temporary appraiser certification or license shall be limited to the particular appraisal assignment described in the application.

*AUTHORITY: sections 339.503, 339.509 and 339.521, RSMo 2000. This rule originally filed as 4 CSR 245-4.060. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Amended: Filed March 14, 1996, effective Sept. 30, 1996. Amended: Filed June 25, 2004, effective Feb. 28, 2005. Moved to 20 CSR 2245-4.060, effective Aug. 28, 2006. Amended: Filed Nov. 21, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 5—Fees**

**PROPOSED AMENDMENT**

**20 CSR 2245-5.010 Payment.** The commission is proposing to amend sections (1) and (2).

*PURPOSE: This amendment updates the rule to allow the commission to accept credit cards and deletes obsolete language.*

(1) All fees shall be *[paid by cashier's check, money order or personal check made]* payable to the Missouri Real Estate Appraisers Commission and delivered to the commission.

(2) *[Beginning January 1, 2000, a]* All certificates and licenses will expire on June 30 of even-numbered years. The commission may prorate continuing education and fees in order to put all licensees on a biennial renewal. Initial certificates and licenses may be prorated on a quarterly basis. The prorated fee shall not be less than one hundred dollars (\$100). That proration shall not apply to expired certificates and license renewal. All renewal applications and fees *[must]*

shall be delivered to the commission office or be postmarked prior to June 30 of even-numbered years.

**AUTHORITY:** sections 339.509 and 339.513, RSMo 2000. This rule originally filed as 4 CSR 245-5.010. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Nov. 21, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 5—Fees**

**PROPOSED AMENDMENT**

**20 CSR 2245-5.020 Application, Certificate and License Fees.** The commission proposes to amend section (2) and delete section (3) and renumber section (4).

**PURPOSE:** This proposed amendment establishes various fees for the commission and moves section (3) of this rule to 20 CSR 2245-1.010.

(2) The following fees shall be paid for original issuance and renewal of certificates or licenses:

(G) Delinquent <b>Renewal</b> Fee (per month not to exceed a maximum of \$600)	\$ 50
(H) Reissuance of a Certificate or License, or Replacement of a Lost, Destroyed or Stolen Certificate or License Fee	[ <del>\$25.00</del> ] \$5
<b>(I) Reissuance of a wallhanging certificate, or replacement of a lost, destroyed or stolen wallhanging certificate</b>	<b>\$ 15</b>
[[ <del>(I)</del> ](J) Six (6)-Month Extension Fee	[ <del>\$100</del> ]
[[ <del>(J)</del> ](K) Temporary Practice Permit (valid for six (6) months)	[ <del>\$150</del> ]
[[ <del>(K)</del> ](L) Letter of Good Standing (per letter)	[ <del>\$10</del> ].]
<b>(M) Trainee Real Estate Appraiser Registration Fee</b>	<b>\$ 75</b>
<b>(N) Fingerprint Background Check Fee—Determined by the Missouri State Highway Patrol (MSHP) or its approved vendor</b>	
<b>(O) Continuing Education Course Approval Fee (per course)</b>	<b>\$ 25</b>
<b>(P) Continuing Education Course Renewal Fee (per course)</b>	<b>\$ 10</b>

[[~~(3)~~] The commission shall transmit to the Appraisal Subcommittee, at least annually, a roster listing individuals who have received a state certificate or license and are eligible to perform appraisals in federally-related transactions. The commission shall transmit to the Federal Financial Institutions Examination Council (FFIEC) an annual registry fee as determined by the Appraisal Subcommittee for those individuals who are listed on the roster provided to the Appraisal Subcommittee. The registry fee is included in the fees in section (2).]

[[~~(4)~~] (3) All fees are nonrefundable.

**AUTHORITY:** sections 339.509, 339.513, and 339.525.5, RSMo 2000. This rule originally filed as 4 CSR 245-5.020. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Nov. 21, 2006.

**PUBLIC COST:** The proposed amendment will cost state agencies an increase of approximately six hundred ten dollars (\$610) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

**PRIVATE COST:** The proposed amendment will cost private entities an increase of approximately six hundred ten dollars (\$610) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PUBLIC ENTITY FISCAL NOTE

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**

**Division 2245 - Real Estate Appraisers**

**Chapter 5 - Fees**

**Proposed Rule - 20 CSR 2245-5.020 Application, Certificate and License Fees**

Prepared September 27, 2006 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Annual Decrease of Revenue
Real Estate Appraisers	\$610.00
Total Annual Decrease of Revenue for the Life of the Rule	
\$610.00	

**III. WORKSHEET**

**Decrease in Revenue**

Based on FY05, it is estimated that approximately 28 duplicate licenses will be issued annually.

Duplicate Licenses Issued  $\$20 \times 28 =$  \$560

Wall Hanging Certificates  $\$10 \times 5 =$  \$50

**Total Decrease in Revenue** **\$610**

**IV. ASSUMPTION**

1. Licensee requesting a duplicate license will save \$20 per duplicate and those requesting a duplicate wall hanging will save \$10 per duplicate wall hanging.
2. Fiscal estimates for the review of continuing education courses is reported in 20 CSR 2045-8.020 and for fingerprinting are reported 20 CSR 2045-3.010.
3. It is anticipated that the total savings will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.



**PRIVATE ENTITY FISCAL NOTE****I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2245 - Real Estate Appraisers****Chapter 5 - Fees****Proposed Rule - 20 CSR 2245-5.020 Application, Certificate and License Fees**

Prepared September 27, 2006 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost savings of compliance with the rule by affected entities:
28	Licensees (duplicate license - \$20 savings)	\$560.00
5	Licensees (Wallhanging - \$10 savings)	\$50.00
	<b>Estimated Annual Cost Savings for the Life of the Rule</b>	<b>\$610.00</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. Licensees requesting a duplicate license will save \$20 per duplicate and those requesting a duplicate wall hanging will save \$10 per duplicate.
2. Fiscal estimates for the review of continuing education courses is reported in 20 CSR 2045-8.020 and for fingerprinting are reported 20 CSR 2045-3.010.
3. It is anticipated that the total savings will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of sections 339.500-339.549, RSMo. Pursuant to Section 326.513, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 339.500-339.549, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 339.500-339.549, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 6—Educational Requirements**

**PROPOSED RULE**

**20 CSR 2245-6.015 Examination and Education Requirements**

*PURPOSE: Effective July 1, 2007, this rule defines the examination and education requirements for each level of registration, licensure and certification.*

**(1) Examination and Education Requirements.**

**(A) State-Certified Real Estate Appraiser.**

1. To obtain certification as a state-certified general real estate appraiser, an applicant shall successfully complete the Appraisers Qualifications Board (AQB)-approved State Certified General Real Property Appraiser Examination. There is no alternative to successful completion of the examination. On or after July 1, 2007, to qualify for taking the AQB-approved Uniform State Certified General Real Property Appraiser Examination, an applicant shall satisfy the educational requirements set forth under subsection (2)(A) of this rule. Prior to July 1, 2007, an applicant for examination as a state-certified general real estate appraiser may either satisfy the educational requirements set forth in this rule or in 20 CSR 2245-6.010.

**(B) State-Certified Residential Real Estate Appraiser.**

1. To obtain a certification as a state-certified residential real estate appraiser, an applicant shall successfully complete the AQB-approved Certified Residential Real Property Appraiser Examination. There is no alternative to successful completion of the examination. The Certified General Real Property Appraiser Examination is not equivalent to the Certified Residential Real Property Appraiser Examination. On and after July 1, 2007, to qualify for taking the AQB-approved Certified Residential Real Property Appraiser Examination, an applicant shall satisfy the educational requirements set forth in subsection (2)(B) of this rule. Prior to July 1, 2007, an applicant for examination as a state-certified residential real estate appraiser may either satisfy the educational requirements set forth in this rule or in 20 CSR 2245-6.010.

**(C) State-Licensed Real Estate Appraiser.**

1. To obtain a license as a state-licensed real estate appraiser, an applicant shall successfully complete the AQB-approved Licensed Residential Real Property Appraiser Examination. There is no alternative to successful completion of the examination. On and after July 1, 2007, to qualify for taking the AQB-approved Licensed Residential Real Property Appraiser Examination, an applicant shall satisfy the educational requirements set forth in subsection (2)(C) of this rule. Prior to July 1, 2007, an applicant for licensure as a state-licensed real estate appraiser may either satisfy the examination requirements set forth in this rule or in 20 CSR 2245-6.010.

**(D) Trainee Real Estate Appraiser.**

1. There is no examination requirement for registration as a trainee real estate appraiser other than as is required to earn credit for completion of the prerequisite educational courses.

**(2) Qualifying Education.**

**(A) State-Certified General Real Estate Appraiser.**

1. Applicants for the certified general certification shall hold a bachelor's degree or higher from a college or university accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools, unless the requirements of the following paragraph (2)(A)2. are satisfied.

2. In lieu of the bachelor's degree, an applicant for the certified general certification shall successfully pass thirty (30) semester credit hours, or its equivalent, including each of the following collegiate

subject matter courses from a college, junior college, community college or university accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools:

- A. English Composition;
- B. Micro Economics;
- C. Macro Economics;
- D. Finance;
- E. Algebra, Geometry, or higher Mathematics;
- F. Statistics;
- G. Introduction to computers, word processing, and spreadsheets;
- H. Business Law or Real Estate Law; and
- I. Two (2) elective courses in accounting, geography, ag-economics, business management or real estate.

3. If a college or university accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools, accepts the College-Level Examination Program® (CLEP) examination(s) and issues a transcript for the exam showing its approval, it will be considered as credit for the college course.

4. The applicant shall submit verification of completion of three hundred (300) creditable class hours from the core curriculum, including passage of the approved closed-book examination for each course, as follows:

A. Basic Appraisal Principles	30 Hours
B. Basic Appraisal Procedures	30 Hours
C. The 15-Hour National Uniform Standards of Professional Appraisal Practice (USPAP) Course or its Equivalent	15 Hours
D. General Appraiser Market Analysis and Highest and Best Use	30 Hours
E. Statistics, Modeling and Finance	15 Hours
F. General Appraiser Sales Comparison Approach	30 Hours
G. General Appraiser Site Valuation and Cost Approach	30 Hours
H. General Appraiser Income Approach	60 Hours
I. General Appraiser Report Writing and Case Studies	30 Hours
J. Appraisal Subject Matter Electives	30 Hours
(Electives may include hours over minimum shown above in other modules)	
Total	300 Hours

5. Applicants shall demonstrate that their education includes the core courses listed in these criteria, with particular emphasis on non-residential properties.

**(B) State-Certified Residential Real Estate Appraiser.**

1. Applicants for the certified residential certificate shall hold an associate degree or higher from a college, junior college, community college, or university accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools, unless the requirements of paragraph (2)(B)2. of this rule are satisfied.

2. In lieu of the associate degree, an applicant for the certified residential certification shall successfully pass twenty-one (21) semester credit hours, or its equivalent, of college courses, including each of the following subject matter courses from a college, junior college, community college, or university accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools:

- A. English Composition;
- B. Principles of Economics (Micro or Macro);
- C. Finance;
- D. Algebra, Geometry, or higher Mathematics;

- E. Statistics;
- F. Introduction to computers, word processing, and spreadsheets; and
- G. Business Law or Real Estate Law.

3. If a college or university accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools accepts the College-Level Examination Program® (CLEP) examination(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course.

4. The applicant shall submit verification of completion of two hundred (200) creditable class hours from the core curriculum, including passage of the approved closed-book examination for each course, as follows:

A. Basic Appraisal Principles	30 Hours
B. Basic Appraisal Procedures	30 Hours
C. The 15-Hour National USPAP Course	15 Hours
D. Residential Market Analysis and Highest and Best Use	15 Hours
E. Residential Appraiser Site Valuation and Cost Approach	15 Hours
F. Residential Sales Comparison and Income Approaches	30 Hours
G. Residential Report Writing and Case Studies	15 Hours
H. Statistics, Modeling and Finance	15 Hours
I. Advanced Residential Applications and Case Studies	15 Hours
J. Appraisal Subject Matter Electives	20 Hours
(Electives may include hours over the minimum shown above in other modules)	
Total	200 Hours

(C) State-Licensed Real Estate Appraiser.

1. The applicant shall submit verification of completion of one hundred fifty (150) creditable class hours from the core curriculum, including passage of the approved closed-book examination for each course, as follows:

A. Basic Appraisal Principles	30 Hours
B. Basic Appraisal Procedures	30 Hours
C. The 15-Hour National USPAP Course or its Equivalent	15 Hours
D. Residential Market Analysis and Highest and Best Use	15 Hours
E. Residential Appraiser Site Valuation and Cost Approach	15 Hours
F. Residential Sales Comparison and Income Approaches	30 Hours
G. Residential Report Writing and Case Studies	15 Hours
Total	150 Hours

(D) Trainee Real Estate Appraiser Registration.

1. The applicant shall submit verification of completion of seventy-five (75) creditable class hours from the core curriculum, including passage of the approved closed-book examination for each course, as follows:

A. Basic Appraisal Principles	30 Hours
B. Basic Appraisal Procedures	30 Hours
C. The 15-Hour National USPAP Course or its Equivalent	15 Hours
Total	75 Hours

*AUTHORITY: sections 339.509, RSMo 2000 and 339.517, RSMo Supp. 2005. Original rule filed Nov. 21, 2006.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

### Division 2245—Real Estate Appraisers Chapter 6—Educational Requirements

#### PROPOSED RESCISSION

**20 CSR 2245-6.020 Correspondence Courses.** This rule validated correspondence courses and proclaimed attendance requirements.

*PURPOSE: This rule is being rescinded because the commission will no longer be approving pre-license education courses.*

*AUTHORITY: sections 339.509, RSMo Supp. 1990 and 339.517, RSMo Supp. 1993. This rule originally filed as 4 CSR 245-6.020. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Amended: Filed Aug. 14, 1991, effective Jan. 13, 1992. Moved to 20 CSR 2245-6.020, effective Aug. 28, 2006. Rescinded: Filed Nov. 21, 2006.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

### Division 2245—Real Estate Appraisers Chapter 6—Educational Requirements

#### PROPOSED RESCISSION

**20 CSR 2245-6.030 Distance Education.** This rule validated distance education and proclaimed attendance requirements.

*PURPOSE: This rule is being rescinded because the commission will no longer be approving pre-license education courses.*

*AUTHORITY: sections 339.509 and 339.517, RSMo Supp. 1998. This rule originally filed as 4 CSR 245-6.030. Original rule filed*



*Sept. 1, 1998, effective Feb. 28, 1999. Moved to 20 CSR 2245-6.030, effective Aug. 28, 2006. Rescinded: Filed Nov. 21, 2006.*

**PUBLIC COST:** *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to reacom@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2245—Real Estate Appraisers  
Chapter 6—Educational Requirements**

**PROPOSED RULE**

**20 CSR 2245-6.040 Case Study Courses**

**PURPOSE:** *This rule establishes the criteria for real estate appraising education providers to obtain approval of case study courses that can be offered for both education and experience credit towards licensure and/or certification.*

**PUBLISHER'S NOTE:** *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

**(1) General.**

(A) The case study course is an educational offering which shall be designed to investigate the intellectual development and practical application of constructing and reporting a real property appraisal. Any such course shall include both classroom and on-site instruction and experience, including the passage of a final examination for pre-licensure education credit, and the submission of one (1) or more acceptable appraisal reports for experience credit.

(B) Case study courses shall be at least thirty (30) hours of instruction. For each case study course, experience credit hours may not exceed three (3) times the education credit granted, and in no event shall the experience credit granted for a single course exceed ninety (90) hours. An applicant for licensure or certification may receive thirty (30) hours of pre-licensure education credit upon passage of an examination approved by the Appraiser Qualifications Board (AQB) course approval program or by an alternate method established by the AQB. A licensee may receive twenty-eight (28) hours of continuing education credit for a case study course as allowed pursuant to 20 CSR 2245-8.010. An applicant for licensure or certification will receive the experience credit upon completing one (1) or more Uniform Standards of Professional Appraisal Practice (USPAP) compliant appraisal reports for the course. The USPAP, 2006 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111,

Washington, DC 20005, by calling (202) 347-7722 or at [www.appraisalfoundation.org](http://www.appraisalfoundation.org). This rule does not incorporate any subsequent amendments or additions to the USPAP. The amount of education and experience credit available from a case study course will be determined at the time it is approved by the AQB course approval program or by an alternate method established by the AQB.

(C) A course provider may offer case study courses in the following areas:

1. Residential, including but not limited to, single family, modular, condominium, two (2) to four (4) family residential, manufactured, and other unique residences;

2. Commercial, including but not limited to, the following uses: office, retail, shopping center, hotel or motel, convenience store, restaurant, apartments (five (5) or more units), subdivisions, or any combination thereof;

3. Industrial, including but not limited to, warehouses;

4. Special uses, including but not limited to, houses of worship;

5. Agricultural, including but not limited to, farms (row crop and/or pasture), and timberland;

6. Review appraisals in any of the areas listed above in this subsection;

7. Appraisal consulting, including but not limited to, feasibility studies or marketability studies in any of the areas listed above in this subsection;

8. Appraisal management, including but not limited to, 1) supervisory appraiser responsibilities, functions and liabilities, and 2) management of an appraisal office including but not limited to staff management and supervision, databank, and plant set-up;

9. Miscellaneous, including but not limited to, condemnation appraisals in any of the areas listed above in this subsection; and

10. Any other area approved by the AQB.

(D) A case study course shall require completion of one (1) or more appraisal reports of the type of property to which the course pertains. The appraisal report(s) may value any real property interest, including, but not limited to, fee simple, leased-fee, leasehold, sub-leasehold, fractional interest, physical segment or partial holding. Personal property and business valuation issues shall be addressed if related to the appraisal of real property, but shall not be the primary focus of the course.

(E) The provider shall assure that the course includes review of the appraisal process, including an in-depth review of the methods and techniques used in the three (3) approaches that pertain to the type of property appraised and the development and reporting requirements of the USPAP. The instruction regarding USPAP principles should include, at a minimum, discussion regarding the scope of work, the type of report used (self-contained, summary, restricted-use, or oral) and the other specific methods and techniques required in the report. Other appraisal report preparation issues that shall be discussed in the course include report format (narrative or form), grammar and syntax issues, quality control, and details relating to pertinent addendum for the type of property or report. The instructor or other approved USPAP reviewer shall be available to answer questions from and provide input to the students as to the deficiencies in the submitted appraisal report(s).

(F) A case study course shall include substantial time with the instructor in the field as well as in classroom instruction. The case study course shall include the following for each appraisal report completed, if applicable: inspect the subject property and neighborhood, view and photograph the comparable sales and rental properties used in the three (3) approaches, research and analyze data to apply the three (3) approaches to value, and reconcile the estimated values from each valuation approach to develop a final value opinion. The class may visit the courthouse, use data accessible via the internet (multiple listing service (MLS), sales/listings, public information, demographic websites, etc.), and other sources, to collect the necessary data to perform the appraisal. To obtain experience credit from the course, an applicant for certification or licensure shall write a USPAP compliant appraisal report(s) reviewed and found acceptable by the course instructor or other approved USPAP reviewer.



Before experience credit will be granted to an applicant for certification or licensure, the instructor or other approved USPAP reviewer shall certify to the commission that the appraisal report(s) required for the case study course is compliant with USPAP.

(G) A case study course regarding residential real property shall include completion of a written complete summary appraisal report of the subject property. A case study course regarding nonresidential real property shall include completion of a written complete self-contained appraisal report of the subject property. The appraisal report(s) shall be submitted to the course provider within thirty (30) days after taking the course final examination. The course instructor or other approved USPAP reviewer will identify USPAP reporting deficiencies in the appraisal report. The provider will notify the student of any deficiencies noted in the appraisal report. The student shall correct all deficiencies to the satisfaction of the instructor or other approved USPAP reviewer.

(H) All audio or visual teaching aids used in the course shall be used under the personal supervision of the instructor approved to conduct the course and may not exceed twenty percent (20%) of the total presentation. Guest speakers may not be used for more than ten percent (10%) of a course presentation and such guest speakers do not have to possess instructor credentials.

(I) Upon submitting a statement from the provider of successful completion of a case study course, including passage of the course examination and completion of the required appraisal(s), an applicant for certification or licensure or a licensee shall receive the number of education and experience hours for which the case study course is approved, not to exceed thirty (30) hours of pre-licensure education credit, twenty-eight (28) hours of continuing education credit or ninety (90) hours of experience credit.

#### (2) Course Approval Application Process.

(A) Any course provider desiring to provide a case study course to licensed and/or certified real estate appraisers and/or to applicants for licensure or certification as real estate appraisers shall obtain from the AQB or by an alternate method established by the AQB, approval of each case study course, its instructor(s), and any other USPAP reviewer(s), if any, prior to enrolling any students in the case study course. A course provider shall submit verification to the commission that a case study course has been approved by the AQB.

#### (3) Course Administration Requirements.

(A) Prior to enrolling a person for a particular case study course, the course provider shall require each prospective student to provide documentation of satisfactory completion of all course work required to obtain the license or certificate that is required under 20 CSR 2245-9.010(3) for an appraiser to perform the type of appraisal that is the subject of the case study course.

1. If a student is not licensed or certified when enrolled in a case study course, the documentation shall include completion certificates for all pre-licensure courses required for licensure or certification.

2. If a student is already licensed or certified when applying for a case study course, the documentation shall include a copy of the student's state license or certificate and, if the course is for a type of appraisal which is outside of the scope of practice of the student's current certification as defined by 20 CSR 2245-9.010, the documentation shall include completion certificates for any additional pre-licensure courses required for the different certification.

(B) All course providers shall maintain a list of case study curriculum classes offered with the following information on record and available for audit by the commission:

1. Course title;
2. The name, address, and business phone number for each instructor and USPAP reviewer, if any;
3. Class location, including facility name and city;
4. Class dates;
5. Student roster, including student name, address, phone number;

6. Student registration, license or certification number, if any;

7. Type of credit student earned (e.g., pre-licensure education, continuing education, and/or number of experience credits); and

8. Documentation of AQB approval.

(C) Upon successful completion of each case study course, the course provider shall provide each student with a certificate specifying the type and number of education hours (pre-licensure or continuing education) and the number of experience hours he/she has earned.

(4) Course Objectives. Each case study course shall include the following objectives:

(A) Cognitive. After completing an appraisal case study course, an individual should be able to:

1. Recall verbally or in writing the controlling steps and sequences in the appraisal process;

2. Demonstrate verbally or in writing the elements of problem identification;

3. Demonstrate verbally or in writing the steps for proper scope of work decisions;

4. Recall verbally or in writing relevant USPAP and advisory references;

5. Recall verbally or in writing the appraiser's ethical obligations;

6. Demonstrate verbally or in writing appraisal competency requirements;

7. Demonstrate verbally or in writing the binding requirements for appraisal development;

8. Recall verbally or in writing the binding requirements for appraisal reporting; and

9. Distinguish verbally or in writing between the various classifications of appraisals and appraisal reports;

(B) Affective. After completing an appraisal case study course, an individual should develop an understanding of:

1. Competency as it relates to the scope of work decision;

2. The kind of information that shall be identified and considered regarding the clients intended use of an appraisal;

3. Relevant characteristics;

4. How to analyze the effect of assignment conditions on the appraisal process;

5. The relationship between intended use and a credible solution;

6. How the standard of value affects the scope of work decision;

7. Reasonable exposure time;

8. How the appraiser's workfile preserves evidence of all applicable data that supports the appraiser's opinions and conclusions; and

9. The appraiser's responsibility to demonstrate proper judgment and execution; and

(C) Skills. After completing a real property appraisal case study course the student should be able to do the following:

1. Identify the appraisal problem;

2. Make a proper scope of work decision;

3. Conduct a market analysis;

4. Identify the subject property's neighborhood and conduct a neighborhood analysis;

5. Identify relevant real property characteristics;

6. Discern assignment conditions;

7. Describe site improvements;

8. Describe real property improvements;

9. Collect and analyze cost construction data;

10. Collect and analyze sales comparison data;

11. Collect and analyze income approach data;

12. Reconcile data into final value opinion; and

13. Prepare a written real property appraisal report in compliance with USPAP.

(5) Unit Titles. The following is a sample of possible unit titles and time allocations that might be used for a case study course curriculum.

(A) Problem Identification and Scope of Work Decision (4 Hours)—

1. The appraisal process defined;
2. The eleven (11) basic controlling steps and their sequence;
3. Ethics and Competency;
4. Prohibitions and Exhortations;
5. Judgment and Execution;
6. Intended Use and Intended Users Interview;
7. Work Order;
8. Problem Identification;
9. Departure Possibilities;
10. Scope of Work;
11. Preliminary Survey and Appraisal Plan; and
12. Appraisal Contract.

(B) Data Collection and Analysis—General Data (5 Hours)—

1. Market Analysis;
2. Financial Analysis;
3. Economic Base;
4. Market Trends;
5. Forecasts;
6. Neighborhood Analysis; and
7. Measures of Central Tendency.

(C) Data Collection and Analysis—Specific Data (7 Hours)—

1. Property Rights;
2. Physical Characteristics of the Site and Improvements;
3. Environmental Issues;
4. Conformity;
5. Cost and Depreciation Data;
6. Comparative Properties;
7. Elements of Comparison;
8. Units of Comparison; and
9. Income Analysis.

(D) Appraisal Development (9 Hours)—

1. Identify the Client and Other Intended Users;
2. Identify the Intended Use of the Appraiser's Opinions and Conclusions;
3. Identify the Purpose of the Assignment—Standard of Value;
4. Identify the Effective Date of the Appraiser's Opinions and Conclusions;
5. Identify the Characteristics of the Property that are Relevant to the Purpose and Intended Use of the Appraisal;
6. Identify the Scope of Work Necessary to Complete the Assignment;
7. Identify any Extraordinary Assumptions Necessary in the Assignment;
8. Identify any Hypothetical Conditions Necessary in the Assignment;
9. When Applicable, Develop an Opinion of Highest and Best Use;
10. Analyze and Collate Site Data;
11. Analyze and Collate Cost Construction Data;
12. Analyze and Collate Sales Comparison Data;
13. Analyze and Collate Income Data;
14. Analyze all Agreements of Sale, Options, or Listings of the Subject Property that are Current as of the Effective Date of the Appraisal;
15. Analyze all Sales of the Subject Property that Occurred Within the Three (3) Years Prior to the Effective Date of the Appraisal;
16. Reconcile the Quality and Quantity of Data Available and Analyzed Within the Approaches Used; and
17. Reconcile the Applicability or Suitability of the Approaches Used to Arrive at the Value Conclusion.

(E) Appraisal Reporting (5 Hours)—

1. Review Competency Requirements for Reporting;

2. Review Reporting Formats;

3. Report the Identity of the Client and any Intended User by Name or by Type;

4. Report the Intended Use of the Appraisal;

5. Describe Information Sufficient to Identify the Real Estate Involved;

6. Report the Real Property Interest Appraised;

7. Report the Purpose of the Appraisal, Including the Type and Definition of Value and its Source;

8. State the Effective Date of the Appraisal and Date of the Report;

9. Report Sufficient Information to Disclose the Scope of Work;

10. State all Assumptions, Hypothetical Conditions, and Limiting Conditions;

11. Report the Information Analyzed, the Appraisal Procedures Followed, and the Reasoning that Supports the Analyses, Opinions, and Conclusions;

12. Address the Use of the Property that is the Subject of the Appraisal;

13. Report and Explain any Permitted Departures;

14. Include a Signed Certification; and

15. Discuss Work File Requirements.

(F) Appraisal Practicum—

1. All case study students will demonstrate appraisal development and reporting skills by submitting an acceptable appraisal on an assigned property. The appraisal will be a culminating activity performed in partial fulfillment of the requirements for the "Case Study Course" related to appraisal licensure or certification; and

2. Appraisal reports may be submitted in sections for instructor review and approval. When all sections are completed satisfactorily, the entire report accompanied by the appraisal work file shall be presented to the instructor or other approved USPAP reviewer.

*AUTHORITY: section 339.509.3 and 339.509.4, RSMo 2000. Original rule filed Nov. 21, 2006.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## **Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**

### **Division 2245—Real Estate Appraisers Chapter 7—Prelicense Course Approval**

#### **PROPOSED AMENDMENT**

#### **20 CSR 2245-7.010 Standards for Prelicense Course Approval.**

The commission is proposing to delete section (1), renumber remaining sections accordingly, amend the newly renumbered section (1), and add a new section (2).

*PURPOSE: This rule requires all applications for prelicense education course approval be submitted to the Appraisal Qualifications Board to obtain approval for courses offered in the state of Missouri.*

*[(1) For the purposes of this section, the term prelicense course is defined as course title.]*

*[(2)](1) Until July 1, 2007, providers of [p]Prelicense real estate appraisal courses, [which are not included under section 339.517.5., RSMo, for certification and licensure examinations in Missouri may be approved by] shall obtain approval of each course from the commission, [upon] that will be granted upon proof of compliance with the following requirements:*

*(A) The prelicense courses of study offered by the course provider shall include the subjects set forth in the one hundred eighty (180) classroom hours for state-certified general real estate appraisers, the one hundred twenty (120) classroom hours for state-certified residential real estate appraisers, the ninety (90) classroom hours for state-licensed real estate appraisers, or [both] any combination of;*

*(B) Each area of study shall be conducted and supervised by an instructor who shall be present in the classroom at all times. Each instructor shall be qualified by specialized preparation, training and experience to ensure competent instruction. The qualifications of each instructor [must] shall be approved by the commission prior to [his/her] participation in a course of study. As a minimum requirement, each instructor shall—*

*1. Be a certified or licensed Missouri real estate appraiser with at least two (2) years of real estate appraisal experience acquired within a period of five (5) years immediately preceding the filing for approval. The commission may waive the certification or licensure requirements for good cause; and*

*2. Have verifiable practical experience in an area of study to be taught which, in the opinion and discretion of the commission, is substantially equivalent to the [previous] foregoing requirements. The commission may request documentation be provided to them; and*

*(C) All audio or visual teaching aids employed by a course provider [must] shall be used under the personal supervision of the instructor approved to conduct the prelicense course and may not exceed twenty percent (20%) of the total prelicense course presentation. Guest speakers may not be used for more than ten percent (10%) of a prelicense course presentation and they do not have to possess instructor credentials.*

**(2) Effective July 1, 2007, providers of prelicense real estate appraisal courses shall attain approval for each course and instructor(s) from the Appraisal Qualifications Board (AQB) Course Approval Program or an AQB approved course approval program.**

*AUTHORITY: sections 339.509, RSMo 2000 and 339.517, RSMo Supp. [1998] 2005. This rule originally filed as 4 CSR 245-7.010. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 21, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: The proposed amendment will cost private entities an increase of approximately sixty-six thousand nine hundred fifty dollars (\$66,950) annually beginning in FY08 until FY11. Beginning in FY11 the proposed amendment will cost private entities approximately eleven thousand seven hundred dollars (\$11,700) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the*

*Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## PRIVATE ENTITY FISCAL NOTE

### I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**

**Division 2245 - Real Estate Appraisers**

**Chapter 3 - Applications for Certification and Licensure**

**Proposed Rule - 20 CSR 2245-7.010 Standards for Prelicensure Course Approval**

Prepared September 27, 2006 by the Division of Professional Registration

### II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the amendment by affected entities:
13	Course Provider (AQB initial approval - \$4250/3 year annual approval)	\$55,250
13	Course Provider (AQB renewal - \$900/annual average)	\$11,700
<b>Estimated Annual Cost</b>		
<b>Annual Cost for Initial Approval Beginning in FY08</b>		<b>\$66,950</b>
<b>Annual Cost for Renewal of AQB Approval Beginning in FY11</b>		<b>\$11,700</b>

### III. WORKSHEET

The commission will no longer be reviewing prelicensure course material to ensure that it meets Appraiser Qualifications Board (AQB) criteria. With the federally mandated education changes taking place in Missouri on July 1, 2007, the commission feels that the most qualified entity for reviewing and approving the education is the AQB. After July 1, 2007 all applications for prelicensure course will be submitted to the AQB of the Appraisal Foundation.

#### Original Approval

It is estimated that there are 13 real estate appraisal course providers that will be affected by this rule. As of September, 2006, the AQB charges \$1,950 for a 30+ hours course and \$1,650 for a 15-29 hour course. This fee covers course approval for 3 years. On average, each provider offers 4 30+ hour courses and 3 15-29 hour courses (one of which is the 15 hour USPAP).

$$4 \times \$1,950 = \$7,800$$

$$3 \times \$1,650 = \$4,950$$

$$\text{TOTAL} = \$12,750$$

Annually for the first 3 years the cost would be approximately \$4,250. (\$12,750/3)



**Renewal**

After 3 years the course can be renewed for \$125 per course if there have been no major revisions to the course. The renewal fee for the 15 hour Uniform Standards of Professional Appraisal Practice (USPAP) course is \$650 and must be renewed annually.

$6 \text{ AQB Approved Course} \times \$125 \text{ renewal} = \$750/3 = \$250 + \$650 \text{ USPAP 15 hour course renewal} = \text{Annual cost would be an average of } \$900 \text{ for the next 3 years.}$

AQB course approval extends to sponsors of the courses; means automatic approval for continuing education; and is also automatic approval in all states. There are at least 3 course providers in the State of Missouri whose courses are already AQB approved and they have not been included in this estimation.

**IV. ASSUMPTION**

1. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2245—Real Estate Appraisers  
Chapter 7—Prelicense Course Approval**

**PROPOSED AMENDMENT**

**20 CSR 2245-7.020 Application for Prelicense Course Approval.**

The commission is proposing to amend section (1) and add new language in section (3) and remove the forms following the rule from the *Code of State Regulations*.

*PURPOSE:* This rule is being amended to establish a date for the Appraiser Qualification Board to begin approving precursure courses.

(1) **Until July 1, 2007**, [A]ny person or entity seeking initial approval from the commission for a real estate appraisal course of study for certification or licensure examination in Missouri shall submit the following:

(2) Instructors *[must]* **shall** teach all courses in close adherence to the outline on file with the commission. In the event a substantive change is proposed, the sponsor *[must]* **shall** file a revised course outline at least thirty (30) days in advance of the scheduled course offering. Approval in writing from the commission *[must]* **shall** be received prior to implementation of any substantive course change.

(3) **Effective July 1, 2007**, providers of prelicense real estate appraisal courses shall attain approval for each course and instructor(s) from the Appraisal Qualifications Board (AQB) Course Approval Program or an AQB approved course approval program.

*AUTHORITY:* sections 339.509, RSMo [Supp. 1990] 2000 and 339.517, RSMo Supp. [1993] 2005. This rule originally filed as 4 CSR 245-7.020. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Amended: Filed Aug. 14, 1991, effective Jan. 13, 1992. Moved to 20 CSR 2245-7.020, Aug. 28, 2006. Amended: Filed Nov. 21, 2006.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2245—Real Estate Appraisers  
Chapter 7—Prelicense Course Approval**

**PROPOSED RESCISSION**

**20 CSR 2245-7.030 Prelicense Correspondence Courses.** This rule made known the specific requirements of offering a prelicense correspondence course.

*PURPOSE:* This rule is being rescinded as the commission will no longer be approving prelicense education courses.

*AUTHORITY:* sections 339.509, RSMo Supp. 1990 and 339.517, RSMo Supp. 1993. This rule originally filed as 4 CSR 245-7.030. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Amended: Filed Aug. 14, 1991, effective Jan. 13, 1992. Moved to 20 CSR 2245-7.030, effective Aug. 28, 2006. Amended: Filed Nov. 21, 2006.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2245—Real Estate Appraisers  
Chapter 7—Prelicense Course Approval**

**PROPOSED RESCISSION**

**20 CSR 2245-7.040 Approval and Renewal for Prelicense Courses.** This rule confirmed the level of performance or credentials of the educational courses or instructors detrimental to the public interest.

*PURPOSE:* This rule is being rescinded as the commission will no longer be approving prelicense education courses.

*AUTHORITY:* sections 339.509, 339.513 and 339.517, RSMo Supp. 1990. This rule originally filed as 4 CSR 245-7.040. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Amended: Filed Aug. 14, 1991, effective Jan. 13, 1992. Moved to 20 CSR 2245-7.040, effective Aug. 28, 2006. Rescinded: Filed Nov. 21, 2006.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Appraisers Commission, 3605 Missouri

Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2245—Real Estate Appraisers  
Chapter 7—Prelicense Course Approval**

**PROPOSED RESCISSION**

**20 CSR 2245-7.050 Records.** This rule regulated the criteria for maintaining prelicense course records.

*PURPOSE:* This rule is being rescinded as the commission will no longer be approving prelicense education courses.

*AUTHORITY:* sections 339.509, RSMo Supp. 1990 and 339.517, RSMo Supp. 1993. This rule originally filed as 4 CSR 245-7.050. Original rule filed Aug. 14, 1991, effective Jan. 13, 1992. Moved to 20 CSR 2245-7.050, effective Aug. 28, 2006. Rescinded: Filed Nov. 21, 2006.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2245—Real Estate Appraisers  
Chapter 7—Prelicense Course Approval**

**PROPOSED AMENDMENT**

**20 CSR 2245-7.060 Investigation and Review.** The commission is proposing to amend section (1).

*PURPOSE:* This amendment updates who may investigate an approved or proposed course offering.

(1) The commission may investigate approved or proposed course offerings by conferring with a **representative(s) of the Appraisal Qualifications Board (AQB) Course Approval Program** or by the **representative of an alternate method established by the AQB**, the course providers or instructors, visitation with or without prior notice, or by surveys to participants, instructors or course providers.

*AUTHORITY:* sections 339.509, RSMo [Supp. 1990] 2000 and 339.517, RSMo Supp. [1993] 2005. This rule originally filed as 4 CSR 245-7.060. Original rule filed Aug. 14, 1991, effective Jan. 13,

1992. Moved to 20 CSR 2245-7.060, effective Aug. 28, 2006. Amended: Filed Nov. 21, 2006.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2245—Real Estate Appraisers  
Chapter 8—Continuing Education**

**PROPOSED AMENDMENT**

**20 CSR 2245-8.010 Requirements.** The commission is proposing to amend sections (2) and (3), delete section (4), renumber the remaining sections accordingly, and amend newly renumbered sections (6)–(8) and add new section (11).

*PURPOSE:* This amendment ensures that Missouri requirements are equivalent to the criteria of the Appraisal Qualifications Board (AQB).

*PUBLISHER'S NOTE:* The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Each licensee who holds a certificate or license shall complete, during the two (2)-year license period prior to renewal, as a condition precedent to certification or license renewal, the required number of hours of real estate appraisal instruction approved for continuing education credit by the Missouri Real Estate Appraisers Commission as specified in section (2) of this rule. Licensees shall maintain their evidence of course participation or course completion certificates for the period set for appraisal file retention. Such evidence **[must] shall** be submitted upon request by the commission.

(2) *[Licensees whose renewal period began prior to January 1, 1998 are required to complete ten (10) hours of continuing education per year as approved by the commission. Licensees whose renewal period began subsequent to January 1, 1998 are required to complete fourteen (14) hours of continuing education per year, as approved by the commission.] Licensees are required to complete twenty-eight (28) hours of continuing education during the two (2)-year renewal cycle.* The commission may require specific courses of continuing education. A licensee shall provide verification of completion of continuing education by affidavit at the time of renewal. The affidavit



*[must]* **shall** contain a truthful statement of approved courses by the commission of continuing education taken by the licensee.

(3) Individual licensees may receive continuing education credit for courses taken in Missouri or another state **with which Missouri has a reciprocal agreement** which have not been submitted previously by the course provider for approval; provided course content, instructor qualifications and course administration are acceptable to the commission. *[Applications for nonpreapproved course credit must be received by the commission on or before December 31 in the year preceding license expiration and must be on a form prescribed by the commission.]*

*[(4) The commission may waive all or part of the continuing education requirements upon a showing by the licensee that due to serious physical injury or illness, active duty in the armed services for an extended period of time, residence outside the United States or other good cause it was and is not feasible for the licensee to satisfy the requirements prior to the renewal date.]*

*[(5)](4)* The following offerings will not be considered by the commission to meet Missouri continuing education requirements even though the offerings may be approved by states with which Missouri enters into continuing education reciprocity:

(A) Training or education not directly related to real estate appraisal or real estate appraisal practice;

(B) Training or education in office and business skills, such as typing, speedreading, memory improvement, report writing, personal motivation, salesmanship, sales psychology and time management;

(C) Sales promotions or other meetings held in conjunction with general real estate brokerage activity;

(D) Meetings which are a normal part of in-house training;

(E) That portion of any offering devoted to meals or refreshments;

(F) Sales or brokerage precursors education; and

(G) Any course or program that is less than two (2) hours in duration.

*[(6)](5)* Hours obtained in excess of the requirement for continuing education shall not be carried forward to satisfy the requirements for any subsequent renewal period.

*[(7)](6)* A licensee *[must]* **shall** be physically present in the classroom during at least ninety percent (90%) of the actual classroom instruction.

*[(8)](7)* Credit will be given to a licensee for attending a specific or substantially similar course offering only once during a certificate or license renewal period *[with the exception of Uniform Standards of Professional Appraisal Practices (USPAP) as will be determined by the commission]*.

*[(9)](8)* Time spent as an instructor may be counted as classroom attendance for an approved instructor who is also a licensee. This credit may be gained by an instructor only once for each course or substantially similar course offered during any renewal period. Continuing education credit may also be granted for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks or similar activities which are determined to be equivalent to obtaining continuing education. **The number of credit hours granted will be equivalent to the number of hours allowed by the current Appraiser Qualifications Board (AQB) criteria.**

*[(10)](9)* Passing an examination shall not be required for credit under this chapter even when an examination is required by the provider of the course. Time devoted to examinations, other than

brief periods for review and self-graded quizzes, may not be credited toward the required minimum hours of continuing education.

*[(11)](10)* No part of any course for continuing education shall be used to solicit memberships in organizations, recruit licensees for affiliation with any organization or advertise the merits of any organization.

**(11) All licensees of the state of Missouri shall complete, for continuing education credit, the seven (7) hour national Uniform Standards of Professional Appraisal Practice (USPAP) update course or its equivalent during each renewal cycle. The USPAP, 2006 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 3477722 or at [www.appraisalfoundation.org](http://www.appraisalfoundation.org). This rule does not incorporate any subsequent amendments or additions to the USPAP.**

*AUTHORITY: sections 339.509 and 339.530, RSMo [Supp. 1998] 2000. This rule originally filed as 4 CSR 245-8.010. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 21, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## **Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**

### **Division 2245—Real Estate Appraisers Chapter 8—Continuing Education**

#### **PROPOSED AMENDMENT**

**20 CSR 2245-8.020 Course Approval.** The commission is proposing to amend sections (2) and (5) and remove the form following the rule from the *Code of State Regulations*.

*PURPOSE: This amendment requires all applicants for continuing education course approval to be accompanied by a fee.*

(2) All applications for course approval shall be submitted by the course provider at least ninety (90) days prior to the date the course is expected to be offered. Applications shall be submitted on a form prescribed by the Missouri Real Estate Appraisers Commission and **shall be accompanied by the required fee for course approval.** *[t]*The commission will respond in writing to all requests for course approval within sixty (60) days of receipt of a properly completed application. The commission will either assign a course number or other identification to a course when it is approved or will notify the



course provider of the grounds for the course not being approved, as provided in section (4) of this rule.

(5) Instructors *[must]* **shall** teach all courses in close adherence to the outline on file with the commission. In the event a substantive change is proposed, the course provider *[must]* **shall** file a revised course outline at least thirty (30) days in advance of the scheduled course offering. Approval in writing from the commission *[must]* **shall** be received prior to implementation of any substantive course change.

*AUTHORITY: sections 339.509 and 339.530, RSMo [1994] 2000. This rule originally filed as 4 CSR 245-8.020. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Amended: Filed Aug. 14, 1991, effective Jan. 13, 1992. Moved to 20 CSR 2245-8.020, effective Aug. 28, 2006. Amended: Filed Nov. 21, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: The proposed amendment will save private entities approximately one thousand seven hundred fifty-five dollars (\$1,755) annually for the life of the rule. It is anticipated that the savings will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**PRIVATE ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**

**Division 2245 - Real Estate Appraisers**

**Chapter 8 - Continuing Education**

**Proposed Rule - 20 CSR 2245-8.020 Course Approval**

Prepared September 27, 2006 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
25	Continuing Education Courses (original approval @ \$25)	\$625.00
113	Continuing Education Courses (renewal @ \$10)	\$1,130.00
	<b>Estimated Annual Cost Savings for the Life of the Rule</b>	<b>\$1,755.00</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The above figures were based on FY08 and FY09 projections.
2. It is anticipated that the total costs will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of sections 339.500-339.549, RSMo. Pursuant to Section 326.513, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 339.500-339.549, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 339.500-339.549, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 8—Continuing Education**

**PROPOSED AMENDMENT**

**20 CSR 2245-8.030 Instructor Approval.** The commission is proposing to amend section (1) and add new sections (4) and (5).

*PURPOSE:* This amendment clarifies that all instructors for the National Uniform Standards of Professional Appraisal Practice (USPAP) course must be approved by the Appraisal Qualifications Board (AQB).

*PUBLISHER'S NOTE:* The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) All continuing education course offerings *[must]* shall be conducted by an approved instructor.

(4) All instructors of the National Uniform Standards of Professional Appraisal Practice (USPAP) course, the national USPAP update course, or their equivalents shall be approved through the instructor certification program of the Appraisal Qualifications Board (AQB) or by an alternate method established by the AQB. The USPAP, 2006 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 3477722 or at [www.appraisalfoundation.org](http://www.appraisalfoundation.org). This rule does not incorporate any subsequent amendments or additions to the USPAP.

(5) Education credit shall be given for courses on the USPAP offered by colleges or universities accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving agency for out-of-state schools, provided that the college or university utilizes the national USPAP course, the national USPAP update course, or their equivalents, and at least one (1) of the course instructors, who is a state certified appraiser, shall be approved through the AQB instructor certification program.

*AUTHORITY:* sections 339.509 and 339.530, RSMo [1994] 2000. This rule originally filed as 4 CSR 245-8.030. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Amended: Filed Aug. 14, 1991, effective Jan. 13, 1992. Moved to 20 CSR 2245-8.030, effective Aug. 28, 2006. Amended: Filed Nov. 21, 2006.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the

Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 8—Continuing Education**

**PROPOSED AMENDMENT**

**20 CSR 2245-8.040 Records.** The commission is proposing to amend sections (1) and (2).

*PURPOSE:* This amendment will allow approved course providers the ability to provide course completion certificates to individuals who have satisfactorily completed the continuing education course within thirty (30) days after the course.

(1) Licensees shall maintain evidence of course participation or course completion certificates for the period set for appraisal file retention. Such evidence or certificate *[must]* shall be submitted upon request by the commission.

(2) *[At the close of any continuing education course, t/The course provider shall [hand/ within thirty (30) days of the end date of any continuing education course provide to each individual licensee who has satisfactorily completed the course a certificate of course completion in duplicate in a form prescribed by the commission.*

*AUTHORITY:* sections 339.509 and 339.530, RSMo [Supp. 1998] 2000. This rule originally filed as 4 CSR 245-8.040. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Amended: Filed Aug. 14, 1991, effective Jan. 13, 1992. Amended: Filed June 22, 1999, effective Dec. 30, 1999. Moved to 20 CSR 2245-8.040, effective Aug. 28, 2006. Amended: Filed Nov. 21, 2006.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will cost private entities an increase of approximately one thousand one hundred seventy dollars (\$1,170) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**PRIVATE ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**

**Division 2245 - Real Estate Appraisers**

**Chapter 8 - Continuing Education**

**Proposed Rule - 20 CSR 2245-8.040 Records**

Prepared September 27, 2006 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
3000	Continuing Education Providers (postage to mail certificate @ \$.39)	\$1,170.00
	<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>	<b>\$1,170.00</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The above figures were based on FY07 actuals and FY08 and FY09 projections.
2. It is anticipated that the total costs will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.



**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 8—Continuing Education**

**PROPOSED AMENDMENT**

**20 CSR 2245-8.050 Investigation and Review.** The commission is amending section (2).

*PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. In the September 30, 2006 Code of State Regulations the chapters were renumbered to implement this transfer. This amendment corrects the reference to 4 CSR within the text of the rule.*

(2) If the commission determines that a course provider's instructor or course is in violation of any of these rules or otherwise fails to maintain reasonable standards, notice in writing specifying the defect will be transmitted promptly to the course provider or the instructor, or both. Failure of the course provider or the instructor or both to correct the defects within thirty (30) days shall be grounds for suspension or revocation of approval. The commission may deny, revoke, suspend or place on probation the approval of an instructor or course, if not in compliance with the license law or these rules or if their level of performance or credentials are not in the public interest, or that their application (see [4 CSR 245-3] **20 CSR 2245 Chapter 3**) or supporting material contains any false statement or substantial misrepresentation.

*AUTHORITY: sections 339.509 and 339.530, RSMo [Supp. 1990] 2000. This rule originally filed as 4 CSR 245-8.050. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Amended: Filed Aug. 14, 1991, effective Jan. 13, 1992. Moved to 20 CSR 2245-8.050, effective Aug. 28, 2006. Amended: Filed Nov. 21, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Appraisers Commission, 3605 Missouri Boulevard, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email to [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 2—DEPARTMENT OF AGRICULTURE**  
**Division 110—Office of the Director**  
**Chapter 2—Missouri Qualified Biodiesel Producer**  
**Incentive Program**

**ORDER OF RULEMAKING**

By the authority vested in the director of agriculture under section 142.031, RSMo Supp. 2005, the director adopts a rule as follows:

2 CSR 110-2.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 1, 2006 (31 MoReg 1306-1309). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Department of Agriculture received two (2) comments on the proposed rule.

**COMMENT:** A member of a potential biodiesel plant stated that (2)(G)2., (3)(C), and (4)(B)5. were unclear as to whether the requirement that facilities be "at least 51% owned by agricultural producers who are residents of this state . . ." was determined by the value of the investment in the facility or by the number of investors. **RESPONSE AND EXPLANATION OF CHANGE:** As a result of this comment, the department has changed (2)(G)2., (3)(C), and (4)(B)5. to clearly state that the fifty-one percent (51%) ownership requirement is based on the value of the investment in the biodiesel facility.

**COMMENT:** A member of a biodiesel plant stated that it may not be possible to comply with paragraph (5)(D)13. regarding feedstock purchased from an out-of-state source because out-of-state sources are sometimes unwilling to disclose either the quantity of Missouri agricultural products purchased or the volume of biodiesel feedstock produced from Missouri agricultural products.

**RESPONSE AND EXPLANATION OF CHANGE:** As a result of this comment, the department has changed the rule to also allow certifications from Missouri agricultural producers regarding the quantity of Missouri agricultural products that they have delivered to the out-of-state sources of feedstock. In addition, out-of-state sources can meet the requirement by providing either the quantity of Missouri agricultural products purchased or the volume of biodiesel feedstock produced from Missouri agricultural products, but do not have to provide both.

**2 CSR 110-2.010 Description of General Organization; Definitions; Requirements of Eligibility, Licensing, Application for Grants; Procedures for Grant Disbursements; Record Keeping Requirements, and Verification Procedures for the Missouri Qualified Biodiesel Producer Incentive Program**

(2) Definitions.

(G) Missouri qualified biodiesel producer (MQBP)—A facility located in Missouri that produces biodiesel and is registered with the United States Environmental Protection Agency according to the requirements of 40 CFR 79, where:

1. One hundred percent (100%) of the feedstock used by the facility originates in the United States; and
2. At least eighty percent (80%) of the feedstock used by the facility originates in the state of Missouri, or the value of the investment in the facility is at least fifty-one percent (51%) owned by agricultural producers who are residents of Missouri and who are actively engaged in agricultural production for commercial purposes.

(3) Criteria for Classification as a Missouri Qualified Biodiesel Producer. To be classified as a MQBP by the department a biodiesel production facility must:

(C) Have at least fifty-one percent (51%) of its investment value owned by residents of Missouri who are actively engaged in agricultural production for commercial purposes, or at least eighty percent (80%) of the feedstock used by the facility must originate in the state of Missouri;

(4) Procedures for Obtaining a Missouri Qualified Biodiesel Producer License.

(B) The license application must include:

1. The biodiesel producer's registration number from the United States Environmental Protection Agency according to the requirements of 40 CFR 79;
2. The biodiesel producer's federal employer identification number or Social Security number;
3. If incorporated, a copy of the biodiesel producer's Certificate of Good Standing issued by the Missouri Secretary of State;
4. Complete name and address of the biodiesel producer's owner, or, if a partnership, the names and addresses of the partners, or, if a corporation, the names and addresses of the principal officers;
5. Certification by the biodiesel producer's board of directors that:

A. One hundred percent (100%) of the feedstock to be used by the facility will originate in the United States; and

B. At least eighty percent (80%) of the feedstock to be used by the facility will originate in the state of Missouri, or the value of the investment in the facility is at least fifty-one percent (51%) owned by agricultural producers who are residents of Missouri and who are actively engaged in agricultural production for commercial purposes;

6. Diagram of the premises (location of the production plant, etc.);

7. Description of the production facilities, including the plant's capacity;

8. Description of the laboratory analyses protocol that will be followed to ensure the biodiesel conforms to ASTM Standard D-6751 specifications;

9. The amount and source (i.e., name, address, phone number) of the feedstocks to be used annually by the facility;

10. The maximum number of gallons of biodiesel to be produced annually by the facility; and

11. The amount and source of funds invested in the facility.

(5) Grant Application Procedures.

(D) The grant application must include the:

1. Complete name and address of the owner, or the complete names and addresses of the partners if the MQBP is a partnership, or the complete names and addresses of the principal officers if the MQBP is a corporation;

2. Address and location of all biodiesel plants owned by the MQBP. Each MQBP must include all Missouri plants as well as plants outside Missouri;

3. Production capacity of each biodiesel plant;

4. Estimated number of employees needed to reach the production capacity of each biodiesel plant;

5. Estimated production in the July 1–June 30 time period at each biodiesel plant;

6. Total number of employees and the number of Missouri citizens employed by the MQBP during the preceding month;

7. Number of bushel equivalents of Missouri agricultural products used by the MQBP in the production of biodiesel during the preceding month;

8. Gallons of biodiesel produced during the month for which the grant is applied;

9. Gallons of biodiesel produced from Missouri feedstock during the month for which the grant is applied;

10. Quantity of all feedstock used by the MQBP in the production of biodiesel during the month for which the grant is applied;

11. Quantity and source (i.e., name, address, phone number) of Missouri-produced feedstock used by the MQBP in the production of biodiesel during the month for which the grant is applied;

12. Quantity and source (i.e., name, address, phone number) of United States-produced feedstock used by the MQBP in the production of biodiesel during the month for which the grant is applied;

13. If the feedstock used by the MQBP was purchased from an out-of-state source, either the MQBP must provide certification from Missouri agricultural producers as to the date and quantity of Missouri agricultural products delivered to the out-of-state source, or the out-of-state source must provide certification of:

A. The quantity of Missouri agricultural products purchased to produce the biodiesel feedstock; or

B. The volume of biodiesel feedstock produced from Missouri agricultural products;

14. Total amount of biodiesel produced by the MQBP during the current fiscal year (July 1 through June 30); and

15. A copy of the most recent laboratory analyses verifying that the biodiesel conforms to ASTM Standard D-6751 specifications.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION**

**Division 50—Division of School Improvement  
Chapter 345—Missouri School Improvement Program**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 160.518, 160.545, 161.092 and 163.031.5(3), RSMo Supp. 2005 and 161.210, RSMo 2000, the board rescinds a rule as follows:

**5 CSR 50-345.020 Policies on Waiver of Regulations  
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 15, 2006 (31 MoReg 1223). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 80—Teacher Quality and Urban Education  
Chapter 805—Educator Preparation**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092 and 168.021, RSMo Supp. 2005 and 161.097 and 161.099, RSMo 2000, the board amends a rule as follows:

5 CSR 80-805.015 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2006 (31 MoReg 1223–1225). Changes have been made in the text of the proposed amendment and the Missouri Standards for Teacher Education Programs (MoSTEP) which is incorporated by reference. Those sections of the proposed amendment with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received four (4) letters of comment on the proposed amendment.

COMMENT: A faculty member at a state university submitted a comment noting that the language of a term listed in the glossary of the Missouri Standards for Teacher Education Programs (MoSTEP), which is incorporated by reference, is not consistent with the term as it is used in the standards and in the text of the rule.

RESPONSE AND EXPLANATION OF CHANGE: The board has considered the comment and has decided to change the wording of the term in subsection (1)(I) of the rule and in the MoSTEP glossary, which is incorporated by reference, to provide consistency of language in all references.

COMMENT: The chairperson of the education department in a private independent college submitted a letter of comment recommending that criteria used in another administrative rule for consideration of alternative clinical practice for candidates in teacher education be restated in section 3.6 of the MoSTEP document, which is incorporated by reference.

RESPONSE: No change is proposed. The board has considered the comment and has decided not to change section 3.6 of the MoSTEP document, which is incorporated by reference.

COMMENT: The chairperson of the education department in a private independent college and the Missouri Association of Colleges for Teacher Education submitted letters of comment expressing dismay that language requiring candidates to have no grade lower than a "C" in their professional education coursework has been removed



from the Missouri Standards for Teacher Education Programs (MoSTEP). The letters strongly recommend that such language be reinstated in the MoSTEP document, which is incorporated by reference.

**RESPONSE AND EXPLANATION OF CHANGE:** The board has considered the comments and has decided to amend the wording in Standard 4, sub-indicator 4.4.4 of the MoSTEP document, which is incorporated by reference in this rule, to reinstate language requiring candidates to have no grade lower than a “C” in their professional education coursework.

**5 CSR 80-805.015 Procedures and Standards for Approval of Professional Education Programs in Missouri**

(1) For the purpose of this rule, unless the context clearly requires otherwise, the following terms shall mean:

(I) Preliminary teacher education program. A program that provides the introductory or early phases of teacher preparation culminating in a two (2)-year associate’s degree;

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 80—Solid Waste Management  
Chapter 2—General Provisions**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Natural Resources under sections 260.205 and 260.225, RSMo 2000, the department amends a rule as follows:

**10 CSR 80-2.010 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2006 (31 MoReg 1141-1145). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:**

**COMMENT:** One comment was received that suggested the definition of “permeable geologic media” found in 10 CSR 80-2.010(70) be modified so as not to include the hydraulic conductivity value of  $1 \times 10^{-6}$ .

**RESPONSE:** Permeable geologic media is defined as “soil or lithified earth material that has a hydraulic conductivity of greater than  $1.0 \times 10^{-6}$  centimeters per second (cm/sec).” The emphasis of the rule language where this term is utilized will be to define those areas that have permeable geologic media present that also provide a direct connection to the uppermost regional aquifer. The intention of the rule is to exclude sites that could easily contaminate a regionally important water supply. A consensus on the definition was reached during the stakeholder process. No changes have been made to the rule as a result of this comment.

**COMMENT:** One comment was received that suggested the definition of “uppermost regional aquifer” found in 10 CSR 80-2.010(116) be modified so as not to include a quantifiable yield of three hundred sixty (360) gallons per day.

**RESPONSE:** This portion of the rule is intended to define those aquifers that are currently or reasonably likely to be used as future domestic groundwater resources. The Missouri Risk Based Corrective Action process for underground storage tanks guidance document was used to establish this standard. A consensus on the definition was reached during the stakeholder process. No changes have been made to the rule as a result of this comment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 80—Solid Waste Management  
Chapter 2—General Provisions**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Natural Resources under sections 260.205 and 260.225, RSMo 2000, the department amends a rule as follows:

**10 CSR 80-2.015 Preliminary Site Investigation, Detailed Site Investigation Workplan, and Detailed Site Investigation and Characterization Report is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2006 (31 MoReg 1145-1154). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Geological Survey Program received four (4) comments related to the use of engineering design and/or engineering controls to overcome adverse geologic or hydrologic site characteristics. A public hearing on this proposed amendment was held on August 31, 2006, and the public comment period ended September 7, 2006. At the public hearing, two (2) comments were received relating to the use of engineering design and/or engineering controls to overcome adverse geologic or hydrologic site characteristics. At the public hearing, two (2) comments were received that acknowledged the stakeholder process as being beneficial and offered support of the proposed amendment.

**COMMENT:** A list of geologic and hydrologic conditions which render a site unsuitable for development of a solid waste disposal area are too restrictive because it rules out the possibility of consideration of engineering design and engineering controls to overcome adverse geologic and hydrologic conditions.

**RESPONSE:** Section 260.205, RSMo, established the two-phase site investigation process for the purpose of screening out sites for consideration as a landfill on the basis of geologic and hydrologic characteristics. The statute does not state that engineering can or should be factored into the geologic and hydrologic site suitability decision. Therefore, providing clarity to the meaning of geologic and hydrologic characteristics, through the establishment of a list of unsuitable characteristics, is appropriate. The proposed amendment recognizes that there are sites that may have some level of geologic and hydrologic limitations that can be addressed through engineering and the department believes that this is captured in the proposed amendment at 10 CSR 80-2.015(2)(A)2. No changes have been made to the rule as a result of this comment.

**COMMENT:** The stakeholder group represented a number of diverse points of view. The final list of siting criteria is reasonable and workable and these rules are better than what we have had in the past. The final list of siting criteria for utility waste landfills is also reasonable and workable. We support the solid waste rule amendment as proposed and appreciate the hard work of all who were involved in its development.

**RESPONSE:** No response. No changes have been made to the rule as a result of this comment.

**COMMENT:** One comment was received that offered alternative rule language in 10 CSR 80-2.015(1) that would further clarify the intent of geologic and hydrologic site approval.

**RESPONSE:** The department agrees that one part of the rulemaking effort is to clarify the conditions in which a site would receive geologic and hydrologic site approval. Much of the suggested



language is incorporated into the rule and can be found in 10 CSR 80-2.015(2). No changes have been made to the rule as a result of this comment.

COMMENT: One comment was received that suggested rule language be changed to incorporate a gravity drainage layer or similar construction into 10 CSR 80-2.015(1)(A)1.A.(I).

RESPONSE: Rule language related to geologic or hydrologic conditions that can be addressed by engineering can be found in 10 CSR 80-3.010(5)(B)3., 10 CSR 80-4.010(4)(B)8. and 10 CSR 80-11.010(5)(A)3. No changes have been made to the rule as a result of this comment.

COMMENT: One comment was received that suggested rule language, pertaining to the word “pathway” in 10 CSR 80-2.015(1)(A)1.A.(II) and 10 CSR 80-2.015(1)(A)1.A.(III), be further clarified.

RESPONSE: The emphasis of this language is to identify conditions that are characterized by permeable geologic media that provide a pathway for the rapid migration of contaminants to the uppermost regional aquifer. The intention of the rule language is to identify those sites that could easily contaminate a regionally important water supply. No changes have been made to the rule as a result of this comment.

COMMENT: One comment was received that suggested that the standard aquifer yield of three hundred sixty (360) gallons per day found in 10 CSR 80-2.015(1)(A)3.B. is too stringent.

RESPONSE: This well production number is being used in this part of the rule as a means of establishing, at the preliminary site investigation phase, which sites appear to be well-suited for a landfill at the preliminary site investigation phase. The department believes that setting the production number too high could result in an approval of a site in an area where a regionally important water supply could be impacted. This would undermine the intent of this provision, which is to provide an incentive for applicants to select sites with favorable geologic and hydrologic characteristics. The Missouri Risk Based Corrective Action process for underground storage tanks guidance document was used to establish this standard. A consensus on the standard yield of three hundred sixty (360) gallons per day was reached during the stakeholder process. No changes have been made to the rule as a result of this comment.

COMMENT: The department should use caution when evaluating a proposed solid waste disposal area and applying site suitability criteria to a proposed site. There are sound engineering solutions that can allow landfills to be developed in areas where adverse geologic or hydrologic conditions may exist. Appropriate engineering design and application can overcome those adverse conditions and make a site acceptable.

RESPONSE: Section 260.205, RSMo, established the two-phase site investigation process for the purpose of screening out sites for consideration as a landfill on the basis of geologic and hydrologic characteristics. The statute does not state that engineering can or should be factored into the geologic and hydrologic site suitability decision. Therefore, providing clarity to the meaning of “geologic and hydrologic characteristics,” through the establishment of a list of unsuitable characteristics, is appropriate. The proposed amendment recognizes that there are sites that may have some level of geologic and hydrologic limitations that can be addressed through engineering and the department believes that this is captured in the proposed amendment at 10 CSR 80-2.015(2)(A)2. No changes have been made to the rule as a result of this comment.

COMMENT: The stakeholder group represented a number of diverse points of view. The final list of siting criteria is reasonable and these rules are better than what we have had in the past. The final list of siting criteria for utility waste landfills is also reasonable.

RESPONSE: No response. No changes have been made to the rule as a result of this comment.

### **Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 5—Conduct of Gaming**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.805 and 313.807.4, RSMo 2000, the commission amends a rule as follows:

**11 CSR 45-5.237** Shipping of Electronic Gaming Devices, Gaming Equipment or Supplies is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2006 (31 MoReg 1155). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

### **Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 3—Conditions of Provider Participation, Reimbursement and Procedure of General Applicability**

#### **ORDER OF RULEMAKING**

By the authority vested in the Division of Medical Services under sections 208.153 and 208.201, RSMo 2000, the division adopts a rule as follows:

13 CSR 70-3.180 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 1, 2006 (31 MoReg 1155-1156). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The director of the Division of Medical Services received four (4) comments on the proposed rule.

COMMENT: North Kansas City Hospital, University of Missouri Health Care, HCA Midwest Health System, and the Missouri Hospital Association commented that there is no published listing of outpatient hospital services requiring pre-certification.

RESPONSE AND EXPLANATION OF CHANGE: The Purpose section and section (1) will be amended to clarify that the list of procedures and services that will be pre-certified will be published in provider manuals, provider bulletins, or clinical edits criteria, which will be incorporated by reference and made a part of this rule as of the date listed in the regulation. This rule incorporates the July 5, 2006 physician bulletin which documents the pre-certification process for radiological services.

COMMENT: North Kansas City Hospital, University of Missouri Health Care, HCA Midwest Health System, and the Missouri Hospital Association expressed concern that the pre-certification process would be very costly and would add to the current administrative burdens placed on hospitals without getting at the target of the

rule—unnecessary over utilization of services by nonhospital providers.

RESPONSE: The pre-certification process is highly automated using the Medicaid web based tool—CyberAccess. The CyberAccess tool allows each pre-certification to automatically reference the individual recipient's claim history, including ICD-9 diagnosis codes and CPT procedure codes. The clinical edit criteria is posted on the Missouri Medicaid website located at [www.dss.mo.gov/dms](http://www.dss.mo.gov/dms). No change has been made to the public or private cost statement.

COMMENT: North Kansas City Hospital, University of Missouri Health Care, HCA Midwest Health System, and the Missouri Hospital Association expressed concern that the pre-certifications must be done in a timely manner.

RESPONSE: The highly automated web based tool, CyberAccess, has proved to be effective in addressing the factor of processing the pre-certifications in a timely manner. No change has been made to the rule.

### 13 CSR 70-3.180 Medical Pre-Certification Process

*PURPOSE: This rule establishes the medical pre-certification process of the Missouri Medical Assistance Program for certain covered diagnostic and ancillary procedures and services prior to provision of the procedure or service as a condition of reimbursement. This rule shall only apply to those diagnostic and ancillary procedures or services that are listed in the provider manuals, provider bulletins, or clinical edits criteria which are incorporated by reference and made a part of this rule. The medical pre-certification process serves as a utilization management tool, allowing payment for services that are medically necessary, appropriate, and cost-effective without compromising the quality of care provided to Missouri medical assistance recipients.*

(1) Providers are required to seek pre-certification for certain specified services listed in the provider manuals, provider bulletins, or clinical edits criteria before delivery of the services. This rule shall apply to diagnostic and ancillary procedures and services listed in the provider manuals, provider bulletins, or clinical edits criteria when ordered by a healthcare provider unless provided in an inpatient hospital or emergency room setting. This pre-certification process shall not include primary services performed directly by the provider. In addition to services and procedures that are available through the traditional medical assistance program, expanded services are available to children twenty (20) years of age and under through the Healthy Children and Youth (HCY) Program. Some expanded services also require pre-certification. Certain services require pre-certification only when provided in a specific place or when they exceed certain limits. These limitations are explained in detail in subsections 13(3) and 14(4) of the applicable provider manuals, provider bulletins, or clinical edits criteria, which are incorporated by reference and made a part of this rule as published by the Department of Social Services, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109, at its website at [www.dss.mo.gov/dms](http://www.dss.mo.gov/dms), August 1, 2006. The rule does not incorporate any subsequent amendments or additions. This rule shall only apply to those diagnostic and ancillary procedures or services that are listed in the provider manuals, provider bulletins, or clinical edits criteria which are incorporated by reference and made a part of this rule.

**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and  
Transportation Commission  
Chapter 25—Motor Carrier Operations**

**IN ADDITION**

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for  
Commercial Drivers**

**PUBLIC NOTICE**

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

**SUMMARY:** This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates, from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce, because of impaired vision, or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

**DATES:** Comments must be received at the address stated below, on or before February 1, 2007.

**ADDRESSES:** You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- Email:** [Kathy.Hatfield@modot.mo.gov](mailto:Kathy.Hatfield@modot.mo.gov)
- Mail:** PO Box 893, Jefferson City, MO 65102-0893
- Hand Delivery:** 1320 Creek Trail Drive, Jefferson City, MO 65109
- Instructions:** All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED  
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- Docket:** For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4 p.m., Monday through Friday, except state holidays.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-

0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

**SUPPLEMENTARY INFORMATION:**

**Public Participation**

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

**Background**

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, *Missouri Revised Statutes* (RSMo) Supp. 2005, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

**Qualifications of Applicants**

**Application # MP040429033**

**Applicant's Name & Age:** Harlan D. Glaser

**Relevant Physical Condition:** Mr. Glaser's best-corrected visual acuity in his right eye is 20/15-1 Snellen and he has no light perception in his left eye. He had trauma to the left eye at age 5, approximately 1947.

**Relevant Driving Experience:** Mr. Glaser has 30 years experience operating commercial motor vehicles through self-employment as a farmer, hauling hogs, corn and beans. Mr. Glaser recently completed Basic Truck Driver Training in Hazelwood, Missouri. He currently has a Class A CDL. Drives personal vehicle(s) daily.

**Doctor's Opinion & Date:** Following an examination in June 2006, his ophthalmologist certified, "In my medical opinion, Mr. Glaser's visual deficiency is stable and he is capable of performing the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

**Traffic Accidents and Violations:** No accidents or violations on record.

**Request for Comments**

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: December 1, 2006

*Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2220—State Board of Pharmacy  
Chapter 2—General Rules**

**IN ADDITION**

The Department of Economic Development filed a proposed rule for 4 CSR 220-2.500 on September 2, 1997 and it was published in the October 1, 1997 issue of the *Missouri Register* (22 MoReg 1548-1555) and the final order of rulemaking was published in the March 2, 1998 issue of the *Missouri Register* (23 MoReg 494-495). In the proposed rule there were two section (5)s followed by section (6). The second section (5), plus section (6) are published correctly here as sections (6) and (7). Additionally, pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration effective August 28, 2006.

**20 CSR 220-2.500 Nuclear Pharmacy—Minimum Standards for Operation**

(6) Reference Manuals.

(A) Each nuclear pharmacy shall have a copy of the Missouri Pharmacy Practice Act and current regulations under the act; one recognized text in nuclear pharmacy, and a current copy of state and federal regulations governing the safe storage, handling, use, dispensing, transport and disposal of radioactive material.

(7) Any preparation of Positron Emission Tomographic (PET) radio-pharmaceuticals shall comply with 4 CSR 220-2.200 Sterile Pharmaceuticals and with applicable USP standards.



**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to [dissolutions@sos.mo.gov](mailto:dissolutions@sos.mo.gov).

## NOTICE OF DISSOLUTION OF CORPORATION

Notice is hereby given that The American Thrift Association for Columbia Housing, Incorporated, a Missouri corporation ("the corporation"), has been dissolved pursuant to the Missouri Corporations, Associations and Partnerships Law. This notice is being given pursuant to Section 351.482 of the Corporations, Associations and Partnerships Law of Missouri.

In order to file a claim with the corporation, the claimant must provide the following: (1) the amount of the claim, (2) the basis for the claim, and (3) documentation of the claim. The claim must be mailed to:

Ronald N. Sweet  
OLIVER WALKER WILSON LLC  
401 Locust Street, Suite 406  
P.O. Box 977  
Columbia, MO 65205-0977

A claim against the corporation will be barred unless a proceeding to enforce the claim is commenced within two years after the publication of the notice.

## NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST MONTEREY HOMES, INC.

On November 22, 2006, Monterey Homes, Inc., a Missouri corporation, was dissolved upon the filing of their articles of dissolution by the Missouri Secretary of State.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation % Helfrey, Neiers & Jones, P.C., 120 S. Central Avenue, Suite 1500, Clayton, MO 63105 Attention: David F. Neiers, Esquire. All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, the documentation of the claim, and the date(s) of the event(s) on which the claim is based occurred.

NOTICE: BECAUSE OF THE DISSOLUTION OF MONTEREY HOMES, INC. ANY CLAIMS AGAINST IT WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO YEARS AFTER THE PUBLICATION OF THE TWO NOTICES AUTHORIZED BY STATUTE, WHICHEVER IS PUBLISHED LAST.

**Notice of Dissolution  
of Limited Liability Company  
To All Creditors or  
Claimants Against  
T-5, LLC**

On November 28, 2006, T-5, LLC, a Missouri Limited Liability Company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

T-5, LLC requests all persons and organizations who have claims against it present them immediately by letter to:

**T-5, LLC.  
Butch Giessman  
18377 Edison Avenue  
Chesterfield, Missouri 63005**

All claims must include the name and address of the claimant, amount claimed, basis of the claim, date(s) on which the event(s) on which the claim is based occurred, and a description of the nature of, or basis for the claim.

NOTICE: Because of the dissolution of T-5, LLC, any claim against it will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of the three notices authorized by statute, whichever is published last.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
K C & C, L.L.C.**

On November 9, 2006, K C & C, L.L.C., a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o John M. Carnahan, III, Esq., Carnahan, Evans, Cantwell & Brown, P.C., 2805 S. Ingram Mill, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

# Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	<b>OFFICE OF ADMINISTRATION</b>				
1 CSR 20-4.010	State Officials' Salary Compensation Schedule				30 MoReg 2435
	Personnel Advisory Board and Division of Personnel		31 MoReg 1867		
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel		31 MoReg 1057	31 MoReg 1882	
	<b>DEPARTMENT OF AGRICULTURE</b>				
2 CSR 110-2.010	Office of the Director	31 MoReg 1293	31 MoReg 1306	This Issue	
	<b>DEPARTMENT OF CONSERVATION</b>				
3 CSR 10-4.117	Conservation Commission		31 MoReg 1703		
3 CSR 10-4.145	Conservation Commission		31 MoReg 1703		
3 CSR 10-5.310	Conservation Commission		31 MoReg 1704		
3 CSR 10-5.315	Conservation Commission		31 MoReg 1704		
3 CSR 10-5.320	Conservation Commission		31 MoReg 1704		
3 CSR 10-5.330	Conservation Commission		31 MoReg 1705		
3 CSR 10-5.351	Conservation Commission		31 MoReg 1705		
3 CSR 10-5.352	Conservation Commission		31 MoReg 1705		
3 CSR 10-5.375	Conservation Commission		31 MoReg 1705		
3 CSR 10-5.440	Conservation Commission		31 MoReg 1709		
3 CSR 10-5.460	Conservation Commission		31 MoReg 1711		
3 CSR 10-5.465	Conservation Commission		31 MoReg 1711		
3 CSR 10-5.540	Conservation Commission		31 MoReg 1711		
3 CSR 10-5.545	Conservation Commission		31 MoReg 1713		
3 CSR 10-5.551	Conservation Commission		31 MoReg 1715		
3 CSR 10-5.552	Conservation Commission		31 MoReg 1717		
3 CSR 10-5.554	Conservation Commission		31 MoReg 1717		
3 CSR 10-5.559	Conservation Commission		31 MoReg 1717		
3 CSR 10-5.560	Conservation Commission		31 MoReg 1719		
3 CSR 10-5.565	Conservation Commission		31 MoReg 1721		
3 CSR 10-5.570	Conservation Commission		31 MoReg 1723		
3 CSR 10-5.576	Conservation Commission		31 MoReg 1725		
3 CSR 10-6.405	Conservation Commission		31 MoReg 1725		
3 CSR 10-6.410	Conservation Commission		31 MoReg 1725		
3 CSR 10-6.505	Conservation Commission		31 MoReg 1726		
3 CSR 10-6.510	Conservation Commission		31 MoReg 1726		
3 CSR 10-6.515	Conservation Commission		31 MoReg 1726		
3 CSR 10-6.520	Conservation Commission		31 MoReg 1727		
3 CSR 10-6.525	Conservation Commission		31 MoReg 1727		
3 CSR 10-6.530	Conservation Commission		31 MoReg 1727		
3 CSR 10-6.533	Conservation Commission		31 MoReg 1727		
3 CSR 10-6.535	Conservation Commission		31 MoReg 1728		
3 CSR 10-6.540	Conservation Commission		31 MoReg 1728		
3 CSR 10-6.545	Conservation Commission		31 MoReg 1728		
3 CSR 10-6.550	Conservation Commission		31 MoReg 1729		
3 CSR 10-6.605	Conservation Commission		31 MoReg 1729		
3 CSR 10-7.410	Conservation Commission		31 MoReg 1729		
3 CSR 10-7.415	Conservation Commission		31 MoReg 1730		
3 CSR 10-7.430	Conservation Commission		31 MoReg 1730		
3 CSR 10-7.450	Conservation Commission		31 MoReg 1731		
3 CSR 10-8.510	Conservation Commission		31 MoReg 1731		
3 CSR 10-8.515	Conservation Commission		31 MoReg 1732		
3 CSR 10-9.105	Conservation Commission		31 MoReg 1733		
3 CSR 10-9.110	Conservation Commission		31 MoReg 1737		
3 CSR 10-9.220	Conservation Commission		31 MoReg 1737		
3 CSR 10-9.351	Conservation Commission		31 MoReg 1739		
3 CSR 10-9.353	Conservation Commission		31 MoReg 1739R		
			31 MoReg 1739		
3 CSR 10-9.359	Conservation Commission		31 MoReg 1741		
3 CSR 10-9.425	Conservation Commission		31 MoReg 1741		
3 CSR 10-9.560	Conservation Commission		31 MoReg 1741		
3 CSR 10-9.565	Conservation Commission		31 MoReg 769		
			31 MoReg 1742		
3 CSR 10-9.625	Conservation Commission		31 MoReg 1743		
3 CSR 10-9.627	Conservation Commission		31 MoReg 1743		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-9.628	Conservation Commission		31 MoReg 1744		
3 CSR 10-10.725	Conservation Commission		31 MoReg 1744		
3 CSR 10-10.735	Conservation Commission		31 MoReg 1744		
3 CSR 10-11.125	Conservation Commission		31 MoReg 1745		
3 CSR 10-11.140	Conservation Commission		31 MoReg 1745		
3 CSR 10-11.160	Conservation Commission		31 MoReg 1746		
3 CSR 10-11.180	Conservation Commission		31 MoReg 1748		
3 CSR 10-11.200	Conservation Commission		31 MoReg 1751		
3 CSR 10-11.205	Conservation Commission		31 MoReg 1751		
3 CSR 10-11.210	Conservation Commission		31 MoReg 1752		
3 CSR 10-11.215	Conservation Commission		31 MoReg 1752		
3 CSR 10-12.109	Conservation Commission		31 MoReg 1753		
3 CSR 10-12.115	Conservation Commission		31 MoReg 1753		
3 CSR 10-12.130	Conservation Commission		31 MoReg 1754		
3 CSR 10-12.145	Conservation Commission		31 MoReg 1754		
3 CSR 10-12.155	Conservation Commission		31 MoReg 1754		
3 CSR 10-20.805	Conservation Commission		31 MoReg 1755		
<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>					
4 CSR 30-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects ( <i>Changed to 20 CSR 2030-6.015</i> )		31 MoReg 1392	31 MoReg 2056	
4 CSR 40-4.040	Office of Athletics ( <i>Changed to 20 CSR 2040-4.040</i> )		31 MoReg 1310		
4 CSR 40-4.090	Office of Athletics ( <i>Changed to 20 CSR 2040-4.090</i> )		31 MoReg 1310		
4 CSR 85-4.010	Division of Community and Economic Development		31 MoReg 973	31 MoReg 1882	
4 CSR 100-2.075	Division of Credit Unions ( <i>Changed to 20 CSR 1100-2.075</i> )		31 MoReg 1058	31 MoReg 1892	
4 CSR 105-3.010	Credit Union Commission ( <i>Changed to 20 CSR 1105-3.010</i> )		31 MoReg 1061	31 MoReg 1892W	
4 CSR 105-3.011	Credit Union Commission ( <i>Changed to 20 CSR 1105-3.011</i> )		31 MoReg 1062	31 MoReg 1893W	
4 CSR 105-3.012	Credit Union Commission ( <i>Changed to 20 CSR 1105-3.012</i> )		31 MoReg 1063	31 MoReg 1893W	
4 CSR 110-2.110	Missouri Dental Board ( <i>Changed to 20 CSR 2110-2.110</i> )		31 MoReg 1395		
4 CSR 110-2.114	Missouri Dental Board ( <i>Changed to 20 CSR 2110-2.114</i> )		31 MoReg 1395		
4 CSR 150-2.125	State Board of Registration for the Healing Arts ( <i>Changed to 20 CSR 2150-2.125</i> )		31 MoReg 1398		
4 CSR 150-3.010	State Board of Registration for the Healing Arts ( <i>Changed to 20 CSR 2150-3.010</i> )		31 MoReg 1398		
4 CSR 150-3.203	State Board of Registration for the Healing Arts ( <i>Changed to 20 CSR 2150-3.203</i> )		31 MoReg 1399		
4 CSR 150-5.100	State Board of Registration for the Healing Arts ( <i>Changed to 20 CSR 2150-5.100</i> )		31 MoReg 1399		
4 CSR 150-7.135	State Board of Registration for the Healing Arts ( <i>Changed to 20 CSR 2150-7.135</i> )		31 MoReg 1400		
4 CSR 200-4.100	State Board of Nursing ( <i>Changed to 20 CSR 2200-4.100</i> )		31 MoReg 1401		
4 CSR 200-4.200	State Board of Nursing ( <i>Changed to 20 CSR 2200-4.200</i> )		31 MoReg 1401		
4 CSR 220-2.010	State Board of Pharmacy ( <i>Changed to 20 CSR 2220-2.010</i> )		31 MoReg 1468		
4 CSR 220-2.020	State Board of Pharmacy ( <i>Changed to 20 CSR 2220-2.020</i> )		31 MoReg 1474		
4 CSR 220-2.025	State Board of Pharmacy ( <i>Changed to 20 CSR 2220-2.025</i> )		31 MoReg 1474		
4 CSR 220-2.190	State Board of Pharmacy ( <i>Changed to 20 CSR 2220-2.190</i> )		31 MoReg 1479		
4 CSR 220-2.450	State Board of Pharmacy ( <i>Changed to 20 CSR 2220-2.450</i> )		31 MoReg 1479		
4 CSR 220-2.900	State Board of Pharmacy ( <i>Changed to 20 CSR 2220-2.900</i> )		31 MoReg 1482		
4 CSR 220-5.020	State Board of Pharmacy ( <i>Changed to 20 CSR 2220-5.020</i> )		31 MoReg 1485		
4 CSR 220-5.030	State Board of Pharmacy ( <i>Changed to 20 CSR 2220-5.030</i> )		31 MoReg 1485		
4 CSR 232-2.040	Missouri State Committee of Interpreters ( <i>Changed to 20 CSR 2232-2.040</i> )	31 MoReg 1465	31 MoReg 1486		
4 CSR 232-3.010	Missouri State Committee of Interpreters ( <i>Changed to 20 CSR 2232-3.010</i> )		31 MoReg 1211	31 MoReg 2057	
4 CSR 235-5.030	State Committee of Psychologists		31 MoReg 1212R 31 MoReg 1212		
4 CSR 235-7.020	State Committee of Psychologists		31 MoReg 1218		
4 CSR 235-7.030	State Committee of Psychologists		31 MoReg 1218		
4 CSR 240-2.135	Public Service Commission		31 MoReg 982	31 MoReg 2003	
4 CSR 240-3.161	Public Service Commission		31 MoReg 1063	31 MoReg 2005	



Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-3.545	Public Service Commission		31 MoReg 902	31 MoReg 1882	
4 CSR 240-20.090	Public Service Commission		31 MoReg 1076	31 MoReg 2008	
4 CSR 240-37.010	Public Service Commission		31 MoReg 1758		
4 CSR 240-37.020	Public Service Commission		31 MoReg 1758		
4 CSR 240-37.030	Public Service Commission		31 MoReg 1759		
4 CSR 240-37.040	Public Service Commission		31 MoReg 1763		
4 CSR 240-37.050	Public Service Commission		31 MoReg 1763		
4 CSR 240-37.060	Public Service Commission		31 MoReg 1764		
4 CSR 255-1.040	Missouri Board for Respiratory Care ( <i>Changed to 20 CSR 2255-1.040</i> )		31 MoReg 1402	31 MoReg 2057	
4 CSR 255-2.010	Missouri Board for Respiratory Care ( <i>Changed to 20 CSR 2255-2.010</i> )		31 MoReg 1405	31 MoReg 2057	
4 CSR 255-2.020	Missouri Board for Respiratory Care ( <i>Changed to 20 CSR 2255-2.020</i> )		31 MoReg 1407	31 MoReg 2057	
4 CSR 255-2.030	Missouri Board for Respiratory Care ( <i>Changed to 20 CSR 2255-2.030</i> )		31 MoReg 1409	31 MoReg 2057	
4 CSR 255-4.010	Missouri Board for Respiratory Care ( <i>Changed to 20 CSR 2255-4.010</i> )		31 MoReg 1411	31 MoReg 2058	
4 CSR 262-1.010	Small Business Regulatory Fairness Board		This Issue		
4 CSR 262-1.020	Small Business Regulatory Fairness Board		This Issue		
4 CSR 263-1.035	State Committee for Social Workers ( <i>Changed to 20 CSR 2263-1.035</i> )		31 MoReg 1412	31 MoReg 2058	
4 CSR 263-2.090	State Committee for Social Workers ( <i>Changed to 20 CSR 2263-2.090</i> )		31 MoReg 1415	31 MoReg 2058	
4 CSR 265-9.010	Division of Motor Carrier and Railroad Safety ( <i>Changed to 7 CSR 265-9.010</i> )		This Issue		
4 CSR 265-9.020	Division of Motor Carrier and Railroad Safety ( <i>Changed to 7 CSR 265-9.020</i> )		This Issue		
4 CSR 265-9.040	Division of Motor Carrier and Railroad Safety ( <i>Changed to 7 CSR 265-9.040</i> )		This Issue		
4 CSR 265-9.050	Division of Motor Carrier and Railroad Safety ( <i>Changed to 7 CSR 265-9.050</i> )		This Issue		
4 CSR 265-9.060	Division of Motor Carrier and Railroad Safety ( <i>Changed to 7 CSR 265-9.060</i> )		This Issue		
4 CSR 265-9.070	Division of Motor Carrier and Railroad Safety ( <i>Changed to 7 CSR 265-9.070</i> )		This Issue		
4 CSR 265-9.090	Division of Motor Carrier and Railroad Safety ( <i>Changed to 7 CSR 265-9.090</i> )		This Issue		
4 CSR 265-9.100	Division of Motor Carrier and Railroad Safety ( <i>Changed to 7 CSR 265-9.100</i> )		This Issue		
4 CSR 265-9.110	Division of Motor Carrier and Railroad Safety ( <i>Changed to 7 CSR 265-9.110</i> )		This Issue		
4 CSR 265-9.130	Division of Motor Carrier and Railroad Safety ( <i>Changed to 7 CSR 265-9.130</i> )		This Issue		
4 CSR 265-9.140	Division of Motor Carrier and Railroad Safety ( <i>Changed to 7 CSR 265-9.140</i> )		This Issue		
4 CSR 265-9.150	Division of Motor Carrier and Railroad Safety ( <i>Changed to 7 CSR 265-9.150</i> )		This Issue		
4 CSR 267-2.020	Office of Tattooing, Body Piercing and Branding ( <i>Changed to 20 CSR 2267-2.020</i> )		31 MoReg 1219	31 MoReg 2058	
4 CSR 270-1.050	Missouri Veterinary Medical Board ( <i>Changed to 20 CSR 2270-1.050</i> )		31 MoReg 1417	31 MoReg 2058	
<b>DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION</b>					
5 CSR 30-261.025	Division of Administrative and Financial Services		31 MoReg 984	31 MoReg 2016	
5 CSR 30-261.040	Division of Administrative and Financial Services		This Issue		
5 CSR 30-345.010	Division of Administrative and Financial Services		31 MoReg 1417R		
5 CSR 30-640.010	Division of Administrative and Financial Services		31 MoReg 1869R		
5 CSR 30-660.065	Division of Administrative and Financial Services		31 MoReg 1869R		
5 CSR 50-200.010	Division of School Improvement		31 MoReg 1764		
5 CSR 50-200.050	Division of School Improvement		31 MoReg 1641		
5 CSR 50-345.020	Division of School Improvement		31 MoReg 1223R	This IssueR	
5 CSR 50-350.040	Division of School Improvement		This Issue		
5 CSR 60-100.050	Division of Career Education		31 MoReg 1644R		
5 CSR 80-805.015	Teacher Quality and Urban Education		31 MoReg 1223	This Issue	
<b>DEPARTMENT OF TRANSPORTATION</b>					
7 CSR 10-1.010	Missouri Highways and Transportation Commission		31 MoReg 1083	31 MoReg 2017	
7 CSR 10-25.010	Missouri Highways and Transportation Commission				31 MoReg 1894 This Issue
7 CSR 265-9.010	Motor Carrier and Railroad Safety ( <i>Changed from 4 CSR 265-9.010</i> )		This Issue		
7 CSR 265-9.020	Motor Carrier and Railroad Safety ( <i>Changed from 4 CSR 265-9.020</i> )		This Issue		
7 CSR 265-9.040	Motor Carrier and Railroad Safety ( <i>Changed from 4 CSR 265-9.040</i> )		This Issue		

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7 CSR 265-9.050	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-9.050)		This Issue		
7 CSR 265-9.060	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-9.060)		This Issue		
7 CSR 265-9.070	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-9.070)		This Issue		
7 CSR 265-9.090	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-9.090)		This Issue		
7 CSR 265-9.100	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-9.100)		This Issue		
7 CSR 265-9.110	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-9.110)		This Issue		
7 CSR 265-9.130	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-9.130)		This Issue		
7 CSR 265-9.140	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-9.140)		This Issue		
7 CSR 265-9.150	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-9.150)		This Issue		
<b>DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS</b>					
8 CSR 50-2.030	Division of Workers' Compensation	31 MoReg 1377	31 MoReg 1417		
<b>DEPARTMENT OF MENTAL HEALTH</b>					
9 CSR 10-7.140	Director, Department of Mental Health		31 MoReg 1486		
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10 CSR 10-2.070	Air Conservation Commission		This Issue		
10 CSR 10-2.390	Air Conservation Commission		31 MoReg 1941		
10 CSR 10-3.090	Air Conservation Commission		This Issue		
10 CSR 10-4.070	Air Conservation Commission		This Issue		
10 CSR 10-5.160	Air Conservation Commission		This Issue		
10 CSR 10-5.480	Air Conservation Commission		31 MoReg 1965		
10 CSR 10-6.062	Air Conservation Commission		31 MoReg 1766		
10 CSR 10-6.070	Air Conservation Commission		31 MoReg 906	31 MoReg 1805	
10 CSR 10-6.075	Air Conservation Commission		31 MoReg 908	31 MoReg 1805	
10 CSR 10-6.080	Air Conservation Commission		31 MoReg 910	31 MoReg 1805	
10 CSR 10-6.110	Air Conservation Commission		31 MoReg 911	31 MoReg 1805	
10 CSR 10-6.345	Air Conservation Commission		31 MoReg 919	31 MoReg 1806	
10 CSR 10-6.350	Air Conservation Commission		31 MoReg 1766		
10 CSR 10-6.360	Air Conservation Commission		31 MoReg 1767		
10 CSR 10-6.362	Air Conservation Commission		31 MoReg 1769		
10 CSR 10-6.364	Air Conservation Commission		31 MoReg 1781		
10 CSR 10-6.366	Air Conservation Commission		31 MoReg 1791		
10 CSR 10-6.368	Air Conservation Commission		31 MoReg 1797		
10 CSR 20-1.020	Clean Water Commission		31 MoReg 851	31 MoReg 1883	
10 CSR 20-7.050	Clean Water Commission	31 MoReg 1845	31 MoReg 2049		
10 CSR 23-1.075	Geological Survey and Resource Assessment Division		31 MoReg 1644		
10 CSR 25-3.260	Hazardous Waste Management Commission		31 MoReg 719	31 MoReg 1808	
10 CSR 25-4.261	Hazardous Waste Management Commission		31 MoReg 720	31 MoReg 1808	
10 CSR 25-5.262	Hazardous Waste Management Commission		31 MoReg 720	31 MoReg 1808	
10 CSR 25-6.263	Hazardous Waste Management Commission		31 MoReg 721	31 MoReg 1809	
10 CSR 25-7.264	Hazardous Waste Management Commission		31 MoReg 721	31 MoReg 1809	
10 CSR 25-7.265	Hazardous Waste Management Commission		31 MoReg 722	31 MoReg 1809	
10 CSR 25-7.266	Hazardous Waste Management Commission		31 MoReg 722	31 MoReg 1809	
10 CSR 25-7.268	Hazardous Waste Management Commission		31 MoReg 723	31 MoReg 1809	
10 CSR 25-7.270	Hazardous Waste Management Commission		31 MoReg 723	31 MoReg 1810	
10 CSR 25-11.279	Hazardous Waste Management Commission		31 MoReg 724	31 MoReg 1810	
10 CSR 25-16.273	Hazardous Waste Management Commission		31 MoReg 725	31 MoReg 1810	
10 CSR 50-2.030	Oil and Gas Council		31 MoReg 1645		
10 CSR 80-2.010	Solid Waste Management		31 MoReg 1141	This Issue	
10 CSR 80-2.015	Solid Waste Management		31 MoReg 1145	This Issue	
10 CSR 100-2.010	Petroleum Storage Tank Insurance Fund Board of Trustees		This Issue		
10 CSR 100-4.010	Petroleum Storage Tank Insurance Fund Board of Trustees		This Issue		
10 CSR 100-4.020	Petroleum Storage Tank Insurance Fund Board of Trustees		This Issue		
10 CSR 100-5.010	Petroleum Storage Tank Insurance Fund Board of Trustees		This Issue		
<b>DEPARTMENT OF PUBLIC SAFETY</b>					
11 CSR 10-5.010	Adjutant General	31 MoReg 1380	31 MoReg 1422	31 MoReg 2053	
11 CSR 40-2.010	Division of Fire Safety		31 MoReg 852	31 MoReg 1810	
11 CSR 40-2.025	Division of Fire Safety		31 MoReg 853	31 MoReg 1810	
11 CSR 40-5.050	Division of Fire Safety		This Issue		
11 CSR 40-5.065	Division of Fire Safety		This Issue		
11 CSR 40-5.070	Division of Fire Safety		This Issue		
11 CSR 40-5.080	Division of Fire Safety		This Issue		
11 CSR 40-5.090	Division of Fire Safety		This Issue		
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11 CSR 45-5.180	Missouri Gaming Commission		31 MoReg 1490		
11 CSR 45-5.190	Missouri Gaming Commission		31 MoReg 1490		
11 CSR 45-5.200	Missouri Gaming Commission		31 MoReg 1490		

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11 CSR 45-5.237	Missouri Gaming Commission		31 MoReg 1155	This Issue	
11 CSR 45-7.030	Missouri Gaming Commission		31 MoReg 1313		
11 CSR 45-7.040	Missouri Gaming Commission		31 MoReg 1315		
11 CSR 45-7.080	Missouri Gaming Commission		31 MoReg 1317		
11 CSR 45-7.120	Missouri Gaming Commission		31 MoReg 1319		
11 CSR 45-11.040	Missouri Gaming Commission		31 MoReg 1491		
11 CSR 45-11.090	Missouri Gaming Commission		31 MoReg 1492R		
11 CSR 45-11.110	Missouri Gaming Commission		31 MoReg 1492		
11 CSR 45-12.020	Missouri Gaming Commission		31 MoReg 1493		
11 CSR 45-12.040	Missouri Gaming Commission		31 MoReg 1493		
11 CSR 45-12.080	Missouri Gaming Commission		31 MoReg 1990		
11 CSR 45-12.090	Missouri Gaming Commission		31 MoReg 1494		
11 CSR 45-13.055	Missouri Gaming Commission	This Issue	This Issue		
11 CSR 45-30.280	Missouri Gaming Commission		31 MoReg 1990		
11 CSR 50-2.320	Missouri State Highway Patrol		31 MoReg 1425	31 MoReg 2053	
<b>DEPARTMENT OF REVENUE</b>					
12 CSR 10-23.255	Director of Revenue		31 MoReg 1870		
12 CSR 10-23.270	Director of Revenue		31 MoReg 1873		
12 CSR 10-23.422	Director of Revenue		31 MoReg 1494R		
12 CSR 10-23.446	Director of Revenue		31 MoReg 1873		
12 CSR 10-41.010	Director of Revenue	31 MoReg 1935	31 MoReg 1991		
12 CSR 10-42.070	Director of Revenue		31 MoReg 1319R	31 MoReg 2053R	
12 CSR 10-42.110	Director of Revenue		31 MoReg 1994R		
12 CSR 10-43.010	Director of Revenue		31 MoReg 1646		
12 CSR 10-43.020	Director of Revenue		31 MoReg 1646		
12 CSR 10-43.030	Director of Revenue		31 MoReg 1647		
12 CSR 10-400.200	Director of Revenue		31 MoReg 1994		
12 CSR 10-400.210	Director of Revenue		31 MoReg 1998		
12 CSR 10-405.105	Director of Revenue		31 MoReg 2001		
12 CSR 10-405.205	Director of Revenue		31 MoReg 2001		
12 CSR 40-50.050	State Lottery		31 MoReg 1874		
12 CSR 40-80.080	State Lottery		31 MoReg 1875R		
<b>DEPARTMENT OF SOCIAL SERVICES</b>					
13 CSR 35-60.010	Children's Division	31 MoReg 1295	31 MoReg 1319	31 MoReg 2053	
13 CSR 35-60.020	Children's Division		31 MoReg 1320	31 MoReg 2054	
13 CSR 35-60.030	Children's Division	31 MoReg 1296	31 MoReg 1320	31 MoReg 2054	
13 CSR 35-60.040	Children's Division		31 MoReg 1321	31 MoReg 2054	
13 CSR 35-60.050	Children's Division		31 MoReg 1322	31 MoReg 2055	
13 CSR 35-60.060	Children's Division		31 MoReg 1324	31 MoReg 2055	
13 CSR 35-100.010	Children's Division	31 MoReg 1623	31 MoReg 1648		
13 CSR 35-100.020	Children's Division	31 MoReg 1628	31 MoReg 1653		
13 CSR 40-60.010	Family Support Division	31 MoReg 1297R	31 MoReg 1324R	31 MoReg 2055R	
13 CSR 40-60.020	Family Support Division		31 MoReg 1325R	31 MoReg 2055R	
13 CSR 40-60.030	Family Support Division	31 MoReg 1297R	31 MoReg 1325R	31 MoReg 2055R	
13 CSR 40-60.040	Family Support Division		31 MoReg 1325R	31 MoReg 2055R	
13 CSR 40-60.050	Family Support Division		31 MoReg 1325R	31 MoReg 2056R	
13 CSR 40-60.060	Family Support Division		31 MoReg 1326R	31 MoReg 2056R	
13 CSR 40-79.010	Family Support Division	31 MoReg 1635	31 MoReg 1662		
13 CSR 70-2.100	Division of Medical Services		31 MoReg 1804		
13 CSR 70-3.030	Division of Medical Services		31 MoReg 1155	31 MoReg 1884	
			31 MoReg 2050		
13 CSR 70-3.100	Division of Medical Services		31 MoReg 1086	31 MoReg 1811	
13 CSR 70-3.170	Division of Medical Services	31 MoReg 899			
		31 MoReg 1047	31 MoReg 1087	31 MoReg 1811	
13 CSR 70-3.180	Division of Medical Services		31 MoReg 1155	This Issue	
13 CSR 70-4.080	Division of Medical Services	31 MoReg 1048	31 MoReg 1091	31 MoReg 1811	
13 CSR 70-6.010	Division of Medical Services		31 MoReg 1326		
13 CSR 70-10.015	Division of Medical Services	31 MoReg 1050	31 MoReg 920	31 MoReg 1588	
13 CSR 70-10.080	Division of Medical Services	31 MoReg 1051	31 MoReg 923	31 MoReg 1588	
13 CSR 70-15.010	Division of Medical Services		31 MoReg 1156	31 MoReg 1884	
13 CSR 70-15.110	Division of Medical Services	31 MoReg 1052			
13 CSR 70-40.010	Division of Medical Services	31 MoReg 1052	31 MoReg 927	31 MoReg 1588	
13 CSR 70-45.010	Division of Medical Services		31 MoReg 1095	31 MoReg 1811	
13 CSR 70-60.010	Division of Medical Services	31 MoReg 1053	31 MoReg 929	31 MoReg 1588	
13 CSR 70-65.010	Division of Medical Services		31 MoReg 987	31 MoReg 1811	
13 CSR 70-70.010	Division of Medical Services		31 MoReg 987	31 MoReg 1811	
13 CSR 70-90.010	Division of Medical Services		31 MoReg 988	31 MoReg 1812	
13 CSR 70-95.010	Division of Medical Services		31 MoReg 988	31 MoReg 1812	
13 CSR 70-99.010	Division of Medical Services		31 MoReg 988	31 MoReg 1812	
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14 CSR 80-5.020	State Board of Probation and Parole		31 MoReg 1428		
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15 CSR 30-10.010	Secretary of State	31 MoReg 1129	31 MoReg 1160	31 MoReg 1884	
15 CSR 30-10.020	Secretary of State	31 MoReg 1130	31 MoReg 1160	31 MoReg 1885	
15 CSR 30-10.130	Secretary of State	31 MoReg 1132	31 MoReg 1162	31 MoReg 1886	
15 CSR 30-10.140	Secretary of State	31 MoReg 1133	31 MoReg 1163	31 MoReg 1886	

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15 CSR 30-10.150	Secretary of State	31 MoReg 1134	31 MoReg 1164	31 MoReg 1887	
15 CSR 30-10.160	Secretary of State	31 MoReg 1135	31 MoReg 1165	31 MoReg 1887	
15 CSR 30-54.060	Secretary of State		31 MoReg 1327	31 MoReg 2056	
15 CSR 40-3.030	State Auditor		31 MoReg 1166	31 MoReg 2017	
<b>RETIREMENT SYSTEMS</b>					
16 CSR 10-5.010	Retirement Systems		31 MoReg 2001		
16 CSR 10-6.060	Retirement Systems		31 MoReg 2002		
16 CSR 50-10.050	The County Employees' Retirement Fund		31 MoReg 1430		
16 CSR 50-20.070	The County Employees' Retirement Fund		31 MoReg 1095	31 MoReg 2017	
<b>PUBLIC DEFENDER COMMISSION</b>					
18 CSR 10-3.010	Office of State Public Defender		31 MoReg 1225	31 MoReg 2017	
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19 CSR 15-7.021	Division of Senior and Disability Services		31 MoReg 989	31 MoReg 1888	
19 CSR 30-40.450	Division of Regulation and Licensure		31 MoReg 995	31 MoReg 2017W	
19 CSR 30-82.010	Division of Regulation and Licensure		31 MoReg 1495		
19 CSR 30-83.010	Division of Regulation and Licensure		31 MoReg 1499		
19 CSR 30-84.030	Division of Regulation and Licensure		31 MoReg 1502		
19 CSR 30-84.040	Division of Regulation and Licensure		31 MoReg 1504		
19 CSR 30-86.012	Division of Regulation and Licensure		31 MoReg 1504		
19 CSR 30-86.022	Division of Regulation and Licensure		31 MoReg 1506		
19 CSR 30-86.032	Division of Regulation and Licensure		31 MoReg 1509		
19 CSR 30-86.042	Division of Regulation and Licensure		31 MoReg 1514		
19 CSR 30-86.043	Division of Regulation and Licensure		31 MoReg 1526		
19 CSR 30-86.045	Division of Regulation and Licensure		31 MoReg 1536		
19 CSR 30-86.047	Division of Regulation and Licensure		31 MoReg 1540		
19 CSR 30-86.052	Division of Regulation and Licensure		31 MoReg 1559		
19 CSR 30-87.020	Division of Regulation and Licensure		31 MoReg 1559		
19 CSR 30-87.030	Division of Regulation and Licensure		31 MoReg 1560		
19 CSR 30-88.010	Division of Regulation and Licensure		31 MoReg 1565		
19 CSR 60-50	Missouri Health Facilities Review Committee				31 MoReg 2059
19 CSR 60-50.300	Missouri Health Facilities Review Committee	31 MoReg 1382	31 MoReg 1430		
19 CSR 60-50.400	Missouri Health Facilities Review Committee	31 MoReg 1382	31 MoReg 1430		
19 CSR 60-50.410	Missouri Health Facilities Review Committee	31 MoReg 1383	31 MoReg 1431		
19 CSR 60-50.430	Missouri Health Facilities Review Committee	31 MoReg 1384	31 MoReg 1431		
19 CSR 60-50.450	Missouri Health Facilities Review Committee	31 MoReg 1385	31 MoReg 1432		
19 CSR 60-50.470	Missouri Health Facilities Review Committee	31 MoReg 1386	31 MoReg 1433		
19 CSR 60-50.600	Missouri Health Facilities Review Committee	31 MoReg 1386	31 MoReg 1433		
19 CSR 60-50.700	Missouri Health Facilities Review Committee	31 MoReg 1387	31 MoReg 1434		
19 CSR 60-50.800	Missouri Health Facilities Review Committee	31 MoReg 1387	31 MoReg 1434		
19 CSR 60-50.900	Missouri Health Facilities Review Committee	31 MoReg 1388	31 MoReg 1434		
<b>DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION</b>					
20 CSR	Medical Malpractice				29 MoReg 505 30 MoReg 481 31 MoReg 616
20 CSR	Sovereign Immunity Limits				30 MoReg 108 30 MoReg 2587 31 MoReg 2019
20 CSR 200-6.300	Financial Examination		31 MoReg 1435		
20 CSR 200-18.010	Insurance Solvency and Company Regulation		31 MoReg 1166	31 MoReg 1889	
20 CSR 200-18.020	Insurance Solvency and Company Regulation		31 MoReg 1174	31 MoReg 1890	
20 CSR 400-2.135	Life, Annuities and Health		31 MoReg 1566		
20 CSR 400-5.410	Life, Annuities and Health		31 MoReg 1226	31 MoReg 2056	
20 CSR 700-6.350	Licensing		31 MoReg 931		
20 CSR 1100-2.075	Division of Credit Unions ( <i>Changed from 4 CSR 100-2.075</i> )		31 MoReg 1058	31 MoReg 1892	
20 CSR 1105-3.010	Credit Union Commission ( <i>Changed from 4 CSR 105-3.010</i> )		31 MoReg 1061	31 MoReg 1892W	
20 CSR 1105-3.011	Credit Union Commission ( <i>Changed from 4 CSR 105-3.011</i> )		31 MoReg 1062	31 MoReg 1893W	
20 CSR 1105-3.012	Credit Union Commission ( <i>Changed from 4 CSR 105-3.012</i> )		31 MoReg 1063	31 MoReg 1893W	
20 CSR 2030-3.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 1875		
20 CSR 2030-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects  ( <i>Changed from 4 CSR 30-6.015</i> )		31 MoReg 1392 This Issue	31 MoReg 2056	
20 CSR 2030-11.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 1875		
20 CSR 2030-11.025	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 1876		
20 CSR 2040-4.040	Office of Athletics ( <i>Changed from 4 CSR 40-4.040</i> )		31 MoReg 1310		



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20 CSR 2040-4.090	Office of Athletics ( <i>Changed from 4 CSR 40-4.090</i> )		31 MoReg 1310		
20 CSR 2110-2.110	Missouri Dental Board ( <i>Changed from 4 CSR 110-2.110</i> )		31 MoReg 1395		
20 CSR 2110-2.114	Missouri Dental Board ( <i>Changed from 4 CSR 110-2.114</i> )		31 MoReg 1395		
20 CSR 2115-2.010	State Committee of Dietitians		This Issue		
20 CSR 2115-2.050	State Committee of Dietitians		This Issue		
20 CSR 2150-2.125	State Board of Registration for the Healing Arts ( <i>Changed from 4 CSR 150-2.125</i> )		31 MoReg 1398		
20 CSR 2150-3.010	State Board of Registration for the Healing Arts ( <i>Changed from 4 CSR 150-3.010</i> )		31 MoReg 1398		
20 CSR 2150-3.203	State Board of Registration for the Healing Arts ( <i>Changed from 4 CSR 150-3.203</i> )		31 MoReg 1399		
20 CSR 2150-4.052	State Board of Registration for the Healing Arts		31 MoReg 1876		
20 CSR 2150-5.100	State Board of Registration for the Healing Arts ( <i>Changed from 4 CSR 150-5.100</i> )		31 MoReg 1399		
20 CSR 2150-6.020	State Board of Registration for the Healing Arts		31 MoReg 1877		
20 CSR 2150-7.135	State Board of Registration for the Healing Arts ( <i>Changed from 4 CSR 150-7.135</i> )		31 MoReg 1400		
20 CSR 2165-1.020	Board of Examiners for Hearing Instrument Specialists		31 MoReg 1877		
20 CSR 2200-4.100	State Board of Nursing ( <i>Changed from 4 CSR 200-4.100</i> )		31 MoReg 1401		
20 CSR 2200-4.200	State Board of Nursing ( <i>Changed from 4 CSR 200-4.200</i> )		31 MoReg 1401		
20 CSR 2210-1.010	State Board of Optometry		This Issue		
20 CSR 2210-2.011	State Board of Optometry		This Issue		
20 CSR 2210-2.020	State Board of Optometry		This Issue		
20 CSR 2210-2.070	State Board of Optometry		This Issue		
20 CSR 2220-2.010	State Board of Pharmacy ( <i>Changed from 4 CSR 220-2.010</i> )		31 MoReg 1468		
20 CSR 2220-2.020	State Board of Pharmacy ( <i>Changed from 4 CSR 220-2.020</i> )		31 MoReg 1474		
20 CSR 2220-2.025	State Board of Pharmacy ( <i>Changed from 4 CSR 220-2.025</i> )		31 MoReg 1474		
20 CSR 2220-2.190	State Board of Pharmacy ( <i>Changed from 4 CSR 220-2.190</i> )		31 MoReg 1479		
20 CSR 2220-2.450	State Board of Pharmacy ( <i>Changed from 4 CSR 220-2.450</i> )		31 MoReg 1479		
20 CSR 2220-2.500	State Board of Pharmacy				This Issue
20 CSR 2220-2.900	State Board of Pharmacy ( <i>Changed from 4 CSR 220-2.900</i> )		31 MoReg 1482		
20 CSR 2220-5.020	State Board of Pharmacy ( <i>Changed from 4 CSR 220-5.020</i> )		31 MoReg 1485		
20 CSR 2220-5.030	State Board of Pharmacy ( <i>Changed from 4 CSR 220-5.030</i> )		31 MoReg 1485		
20 CSR 2232-3.010	Missouri State Committee of Interpreters ( <i>Changed from 4 CSR 232-3.010</i> )		31 MoReg 1211	31 MoReg 2057	
20 CSR 2232-2.040	Missouri State Committee of Interpreters ( <i>Changed from 4 CSR 232-2.040</i> )	31 MoReg 1465	31 MoReg 1486		
20 CSR 2245-1.010	Real Estate Appraisers		This Issue		
20 CSR 2245-1.020	Real Estate Appraisers		This IssueR		
20 CSR 2245-2.020	Real Estate Appraisers		This Issue		
20 CSR 2245-2.040	Real Estate Appraisers		This IssueR		
20 CSR 2245-2.050	Real Estate Appraisers		This Issue		
20 CSR 2245-3.005	Real Estate Appraisers		This Issue		
20 CSR 2245-3.010	Real Estate Appraisers		This Issue		
20 CSR 2245-3.020	Real Estate Appraisers		This Issue		
20 CSR 2245-4.040	Real Estate Appraisers		This Issue		
20 CSR 2245-4.050	Real Estate Appraisers		This Issue		
20 CSR 2245-4.060	Real Estate Appraisers		This Issue		
20 CSR 2245-5.010	Real Estate Appraisers		This Issue		
20 CSR 2245-5.020	Real Estate Appraisers		This Issue		
20 CSR 2245-6.015	Real Estate Appraisers		This Issue		
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20 CSR 2245-6.030	Real Estate Appraisers		This IssueR		
20 CSR 2245-6.040	Real Estate Appraisers		This Issue		
20 CSR 2245-7.010	Real Estate Appraisers		This Issue		
20 CSR 2245-7.020	Real Estate Appraisers		This Issue		
20 CSR 2245-7.030	Real Estate Appraisers		This IssueR		
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20 CSR 2245-8.010	Real Estate Appraisers		This Issue		
20 CSR 2245-8.020	Real Estate Appraisers		This Issue		
20 CSR 2245-8.030	Real Estate Appraisers		This Issue		
20 CSR 2245-8.040	Real Estate Appraisers		This Issue		
20 CSR 2245-8.050	Real Estate Appraisers		This Issue		

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20 CSR 2255-1.040	Missouri Board for Respiratory Care ( <i>Changed from 4 CSR 255-1.040</i> )		31 MoReg 1402	31 MoReg 2057	
20 CSR 2255-2.010	Missouri Board for Respiratory Care ( <i>Changed from 4 CSR 255-2.010</i> )		31 MoReg 1405	31 MoReg 2057	
20 CSR 2255-2.020	Missouri Board for Respiratory Care ( <i>Changed from 4 CSR 255-2.020</i> )		31 MoReg 1407	31 MoReg 2057	
20 CSR 2255-2.030	Missouri Board for Respiratory Care ( <i>Changed from 4 CSR 255-2.030</i> )		31 MoReg 1409	31 MoReg 2057	
20 CSR 2255-4.010	Missouri Board for Respiratory Care ( <i>Changed from 4 CSR 255-4.010</i> )		31 MoReg 1411	31 MoReg 2058	
20 CSR 2263-1.035	State Committee for Social Workers ( <i>Changed from 4 CSR 263-1.035</i> )		31 MoReg 1412	31 MoReg 2058	
20 CSR 2263-2.090	State Committee for Social Workers ( <i>Changed from 4 CSR 263-2.090</i> )		31 MoReg 1415	31 MoReg 2058	
20 CSR 2267-2.020	Office of Tattooing, Body Piercing and Branding ( <i>Changed from 4 CSR 267-2.020</i> )		31 MoReg 1219	31 MoReg 2058	
20 CSR 2270-1.021	Missouri Veterinary Medical Board		31 MoReg 1877		
20 CSR 2270-1.050	Missouri Veterinary Medical Board ( <i>Changed from 4 CSR 270-1.050</i> )		31 MoReg 1417	31 MoReg 2058	
20 CSR 2270-4.042	Missouri Veterinary Medical Board		31 MoReg 1881		

Agency	Publication	Expiration
<b>Department of Agriculture</b>		
<b>Office of the Director</b>		
2 CSR 110-2.010	Description of General Organization; Definitions; Requirements of Eligibility, Licensing, Application for Grants; Procedures for Grant Disbursements; Record Keeping Requirements, and Verification Procedures for the Missouri Qualified Biodiesel Producer Incentive Program . . . . 31 MoReg 1293 . . . . .	February 23, 2007
<b>Department of Labor and Industrial Relations</b>		
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8 CSR 50-2.030	Resolution of Medical Fee Disputes . . . . .	31 MoReg 1377 . . . . . February 27, 2007
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10 CSR 20-7.050	Methodology for Development of Impaired Waters List . . . . .	31 MoReg 1845 . . . . . April 23, 2007
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11 CSR 10-5.010	Missouri Veterans' Recognition Program . . . . .	31 MoReg 1380 . . . . . February 24, 2007
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11 CSR 45-13.055	Emergency Order Suspending License Privileges—Expedited Hearing . . This Issue . . . . .	June 7, 2007
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12 CSR 10-41.010	Annual Adjusted Rate of Interest . . . . .	31 MoReg 1935 . . . . . June 29, 2007
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13 CSR 35-60.010	Family Homes Offering Foster Care . . . . .	31 MoReg 1295 . . . . . January 30, 2007
13 CSR 35-60.030	Minimum Qualifications of Foster Parent(s) . . . . .	31 MoReg 1296 . . . . . January 30, 2007
13 CSR 35-100.010	Residential Treatment Agency Tax Credit . . . . .	31 MoReg 1623 . . . . . March 29, 2007
13 CSR 35-100.020	Emergency Resource Center Tax Credit . . . . .	31 MoReg 1628 . . . . . March 29, 2007
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13 CSR 40-60.010	Family Homes Offering Foster Care . . . . .	31 MoReg 1297 . . . . . January 30, 2007
13 CSR 40-60.030	Minimum Qualifications of Foster Parent(s) . . . . .	31 MoReg 1297 . . . . . January 30, 2007
13 CSR 40-79.010	Domestic Violence Shelter Tax Credit . . . . .	31 MoReg 1635 . . . . . March 29, 2007
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15 CSR 30-10.010	Definitions . . . . .	31 MoReg 1129 . . . . . February 22, 2007
15 CSR 30-10.020	Certification Statements for New or Modified Electronic Voting Systems . . . . .	31 MoReg 1130 . . . . . February 22, 2007
15 CSR 30-10.130	Voter Education and Voting Device Preparation (DREs and Precinct Counters) . . . . .	31 MoReg 1132 . . . . . February 22, 2007
15 CSR 30-10.140	Electronic Ballot Tabulation—Counting Preparation and Logic and Accuracy Testing (DREs and Precinct Counters) . . . . .	31 MoReg 1133 . . . . . February 22, 2007
15 CSR 30-10.150	Closing Polling Places (Precinct Counters and DREs) . . . . .	31 MoReg 1134 . . . . . February 22, 2007
15 CSR 30-10.160	Electronic Ballot Tabulation—Election Procedures (Precinct Counters and DREs) . . . . .	31 MoReg 1135 . . . . . February 22, 2007
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19 CSR 60-50.300	Definitions for the Certificate of Need Process . . . . .	31 MoReg 1382 . . . . . February 23, 2007
19 CSR 60-50.400	Letter of Intent Process . . . . .	31 MoReg 1382 . . . . . February 23, 2007
19 CSR 60-50.410	Letter of Intent Package . . . . .	31 MoReg 1383 . . . . . February 23, 2007
19 CSR 60-50.430	Application Package . . . . .	31 MoReg 1384 . . . . . February 23, 2007
19 CSR 60-50.450	Criteria and Standards for Long-Term Care . . . . .	31 MoReg 1385 . . . . . February 23, 2007
19 CSR 60-50.470	Criteria and Standards for Financial Feasibility . . . . .	31 MoReg 1386 . . . . . February 23, 2007
19 CSR 60-50.600	Certificate of Need Decisions . . . . .	31 MoReg 1386 . . . . . February 23, 2007
19 CSR 60-50.700	Post-Decision Activity . . . . .	31 MoReg 1387 . . . . . February 23, 2007
19 CSR 60-50.800	Meeting Procedures . . . . .	31 MoReg 1387 . . . . . February 23, 2007
19 CSR 60-50.900	Administration . . . . .	31 MoReg 1388 . . . . . February 23, 2007
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20 CSR 2232-2.400	Certification Recognized by the Board . . . . .	31 MoReg 1465 . . . . . February 27, 2007

**Missouri Consolidated Health Care Plan**

**Health Care Plan**

<b>22 CSR 10-2.010</b>	Definitions . . . . .	February 1, 2007 . . . . .	June 29, 2007
<b>22 CSR 10-2.060</b>	PPO and Co-Pay Plan Limitations . . . . .	February 1, 2007 . . . . .	June 29, 2007
<b>22 CSR 10-2.067</b>	HMO and POS Limitations . . . . .	February 1, 2007 . . . . .	June 29, 2007
<b>22 CSR 10-2.090</b>	Pharmacy Benefit Summary . . . . .	February 1, 2007 . . . . .	June 29, 2007



**Executive  
Orders****Subject Matter****Filed Date****Publication**2006

<b>06-01</b>	Designates members of staff with supervisory authority over selected state agencies	January 10, 2006	31 MoReg 281
<b>06-02</b>	Extends the deadline for the State Retirement Consolidation Commission to issue its final report and terminate operations to March 1, 2006	January 11, 2006	31 MoReg 283
<b>06-03</b>	Creates and establishes the Missouri Healthcare Information Technology Task Force	January 17, 2006	31 MoReg 371
<b>06-04</b>	Governor Matt Blunt transfers functions, personnel, property, etc. of the Division of Finance, the State Banking Board, the Division of Credit Unions, and the Division of Professional Registration to the Department of Insurance. Renames the Department of Insurance as the Missouri Department of Insurance, Financial Institutions and Professional Registration. Effective August 28, 2006	February 1, 2006	31 MoReg 448
<b>06-05</b>	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Rx Plan Advisory Commission to the Missouri Department of Health and Senior Services. Effective August 28, 2006	February 1, 2006	31 MoReg 451
<b>06-06</b>	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Assistive Technology Advisory Council to the Missouri Department of Elementary and Secondary Education. Rescinds certain provisions of Executive Order 04-08. Effective August 28, 2006	February 1, 2006	31 MoReg 453
<b>06-07</b>	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Life Sciences Research Board to the Missouri Department of Economic Development	February 1, 2006	31 MoReg 455
<b>06-08</b>	Names the state office building, located at 1616 Missouri Boulevard, Jefferson City, Missouri, in honor of George Washington Carver	February 7, 2006	31 MoReg 457
<b>06-09</b>	Directs and orders that the Director of the Department of Public Safety is the Homeland Security Advisor to the Governor, reauthorizes the Homeland Security Advisory Council and assigns them additional duties	February 10, 2006	31 MoReg 460
<b>06-10</b>	Establishes the Government, Faith-based and Community Partnership	March 7, 2006	31 MoReg 577
<b>06-11</b>	Orders and directs the Adjutant General to call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property and to employ such equipment as may be necessary in support of civilian authorities	March 13, 2006	31 MoReg 580
<b>06-12</b>	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	March 13, 2006	31 MoReg 582
<b>06-13</b>	The Director of the Missouri Department of Natural Resources is vested with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the public health and safety during the period of the emergency and the subsequent recovery period	March 13, 2006	31 MoReg 584
<b>06-14</b>	Declares a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	April 3, 2006	31 MoReg 643
<b>06-15</b>	Orders and directs the Adjutant General, or his designee, to call and order into active service portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and take such action and employ such equipment as may be necessary in support of civilian authorities, and provide assistance as authorized and directed by the Governor	April 3, 2006	31 MoReg 645
<b>06-16</b>	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	31 MoReg 647
<b>06-17</b>	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	31 MoReg 649
<b>06-18</b>	Authorizes the investigators from the Division of Fire Safety, the Park Rangers from the Department of Natural Resources, the Conservation Agents from the Department of Conservation, and other POST certified state agency investigators to exercise full state wide police authority as vested in Missouri peace officers pursuant to Chapter 590, RSMo during the period of this state declaration of emergency	April 3, 2006	31 MoReg 651
<b>06-19</b>	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	April 3, 2006	31 MoReg 652
<b>06-20</b>	Creates interim requirements for overdimension and overweight permits for commercial motor carriers engaged in storm recovery efforts	April 5, 2006	31 MoReg 765
<b>06-21</b>	Designates members of staff with supervisory authority over selected state agencies	June 2, 2006	31 MoReg 1055

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<b>06-22</b>	Healthy Families Trust Fund	June 22, 2006	31 MoReg 1137
<b>06-23</b>	Establishes Interoperable Communication Committee	June 27, 2006	31 MoReg 1139
<b>06-24</b>	Establishes Missouri Abraham Lincoln Bicentennial Commission	July 3, 2006	31 MoReg 1209
<b>06-25</b>	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	July 20, 2006	31 MoReg 1298
<b>06-26</b>	Directs the Adjutant General to call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	July 20, 2006	31 MoReg 1300
<b>06-27</b>	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	July 21, 2006	31 MoReg 1302
<b>06-28</b>	Authorizes Transportation Director to issue declaration of regional or local emergency with reference to motor carriers	July 22, 2006	31 MoReg 1304
<b>06-29</b>	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	August 11, 2006	31 MoReg 1389
<b>06-30</b>	Extends the declaration of emergency contained in Executive Order 06-25 and the terms of Executive Order 06-27 through September 22, 2006, for the purpose of continuing the cleanup efforts in the east central part of the State of Missouri	August 18, 2006	31 MoReg 1466
<b>06-31</b>	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	September 23, 2006	31 MoReg 1699
<b>06-32</b>	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	September 26, 2006	31 MoReg 1701
<b>06-33</b>	Governor Matt Blunt orders all state employees to enable any state owned wireless telecommunications device capable of receiving text messages or emails to receive wireless AMBER alerts	October 4, 2006	31 MoReg 1847
<b>06-34</b>	Governor Matt Blunt amends Executive Order 03-26 relating to the duties of the Information Technology Services Division and the Information Technology Advisory Board	October 11, 2006	31 MoReg 1849
<b>06-35</b>	Governor Matt Blunt creates the Interdepartmental Coordination Council for Job Creation and Economic Growth	October 11, 2006	31 MoReg 1852
<b>06-36</b>	Governor Matt Blunt creates the Interdepartmental Coordination Council for Laboratory Services and Utilization	October 11, 2006	31 MoReg 1854
<b>06-37</b>	Governor Matt Blunt creates the Interdepartmental Coordination Council for Rural Affairs	October 11, 2006	31 MoReg 1856
<b>06-38</b>	Governor Matt Blunt creates the Interdepartmental Coordination Council for State Employee Career Opportunity	October 11, 2006	31 MoReg 1858
<b>06-39</b>	Governor Matt Blunt creates the Mental Health Transformation Working Group	October 11, 2006	31 MoReg 1860
<b>06-40</b>	Governor Matt Blunt creates the Interdepartmental Coordination Council for State Service Delivery Efficiency	October 11, 2006	31 MoReg 1863
<b>06-41</b>	Governor Matt Blunt creates the Interdepartmental Coordination Council for Water Quality	October 11, 2006	31 MoReg 1865
<b>06-42</b>	Designates members of staff with supervisory authority over selected state departments, divisions, and agencies	October 20, 2006	31 MoReg 1936
<b>06-43</b>	Closes state offices on Friday, November 24, 2006	October 24, 2006	31 MoReg 1938
<b>06-44</b>	Adds elementary and secondary education as another category with full membership representation on the Regional Homeland Security Oversight Committees in order to make certain that schools are included and actively engaged in homeland security planning at the state and local level	October 26, 2006	31 MoReg 1939
<b>06-45</b>	Directs the Department of Social Services to prepare a Medicaid beneficiary employer report to be submitted to the governor on a quarterly basis. Such report shall be known as the Missouri Health Care Responsibility Report	November 27, 2006	This Issue
<b>06-46</b>	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	December 1, 2006	Next Issue
<b>06-47</b>	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	December 1, 2006	Next Issue
<b>06-48</b>	Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period	December 1, 2006	Next Issue

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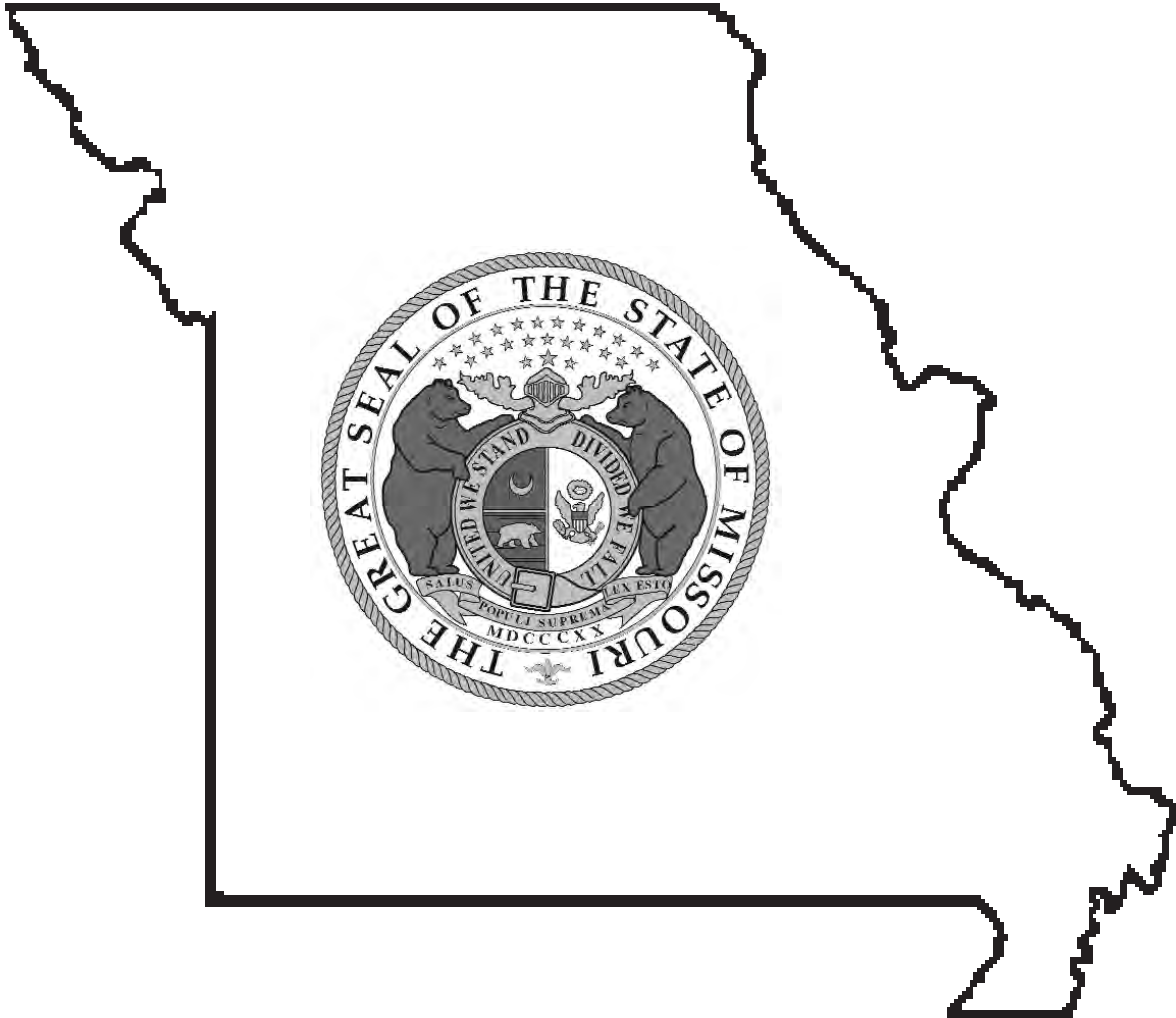
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